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Wednesday  
November 7, 1979

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# Energy Report

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## Highlights

- 64602 **Residential Conservation Service Program** DOE encourages the installation of energy saving measures, including renewable resource measures, in existing houses; effective 12-7-79 (Part II of this issue)
- 64403 **Mortgage Insurance Program** HUD establishes a new loan-to-value ratio; effective 12-7-79
- 64773 **Federal Candidate Debates** FEC extends the comment period to 11-20-79 on the proposed rule governing funding and sponsorship (Part VII of this issue)
- 64570 **Arts Education Program** HEW/OE extends the December 14th closing date for transmittal of applications to 1-28-80
- 64405 **Public Housing Development Process** HUD/FHC issues deferral of effective date for interim rule
- 64402 **Supplemental Security Income Benefits** HEW/SSA revises rule on the frequency of redeterminations of eligibility; effective 11-7-79; comments by 1-7-80
- 64752 **Outer Continental Shelf** Interior/BLM issues final notice of sale for proposed joint Federal/State Beaufort Sea lease sale (Part VI of this issue)

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## Highlights

- 64776 Federal Energy Management and Planning Program** DOE promulgates final rules that establish the monitoring and assessment requirements for Federal agencies that receive project assistance under the Federal Photovoltaic Utilization Program; effective 12-7-79 (Part VIII of this issue)
- 64434 Imported Petroleum and Petroleum Products** Treasury/Customs incorporates recommendations of a special task force for establishing standardized guidelines applicable to the use of public gaugers; comments by 12-7-79
- 64429 Air Transportation** CAB proposes to allow carriers to provide unrestricted free or reduced-rate travel in exchange for goods and services to persons involved in promotion; comments due 1-7-80
- 64477 Air Carriers** CAB issues notice regarding the rules governing failure to operate on schedule or failure to carry
- 64442 Mobile Radio Systems** FCC extends comments period to 12-3-79 on proposed rulemaking designating frequencies in the 806-821 and 851-866 MHz bands
- 64409 Mobile Stations** FCC implements changes in frequencies and operating procedures; effective 11-13-79
- 64485 Nondiscrimination on the Basis of Age** DOD/Sec'y gives notice of the effective date as 7-1-79 for implementation of its rules regarding Federally funded programs
- 64485 Nondiscrimination in Federally Assisted Programs** DOD/Sec'y publishes a memorandum of understanding
- 64399 Banking** FRS publishes rule regarding foreign gifts and decorations
- 64580 Series No. 27-79** Treasury/Sec'y announces that on 11-1-79 the interest rate on bonds described in the Department Circular will be 10% percent
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- 64748** Part V, Interior/BLM
- 64752** Part VI, Interior/BLM
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 989

#### Raisins Produced From Grapes Grown in California; Definitions of Varietal Types of Raisins

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule defines the varietal types of raisins established under the Federal Marketing order for California raisins to indicate which raisins are included in each category, and to allow for the inclusion of other raisins of recent, or future, development. In this connection, the term "Dipped Seedless" raisins is changed to "Dipped and Related Seedless" raisins to include raisins which are artificially dried but not dipped or sprayed. The proposal is based on a recommendation of the Raisin Administrative Committee (RAC), the body established under the order, to administer its terms and provisions.

**EFFECTIVE DATE:** August 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** William J. Higgins, (202) 447-5053.

**SUPPLEMENTARY INFORMATION:** This action is taken under § 989.10 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Notice of this action was published in the Federal Register on September 28, 1979 (44 FR 55889). In that notice, interested persons were given the

opportunity to submit comments until October 17, 1979. Two comments were received from the same person.

In the first comment, the commentator had no specific objections to the language used to define the varietal types, but desired flexibility beyond the scope of the proposed definitions in classing raisins as separate varietal types. The commentator was concerned that changes in current raisin drying methods or the development of new methods would necessitate changes in the definitions, even though the resulting raisins closely resembled one of the established types.

In the second comment, the commentator discussed the industry's desire that all seven varietal types should be broad enough to include all raisins with similar characteristics regardless of the method of making the raisins or the grapes used, and recommended that each of the seven definitions proposed be modified to give the industry the flexibility it desires in identifying and classifying raisins by varietal types. This recommendation has been adopted and the definitions have been modified accordingly.

In 1977, the order was amended to simplify the classification of raisins used in regulating the volume and quality of raisins moving to market. As amended, § 989.10 lists seven varietal types of raisins. Each category is intended to include all raisins with similar characteristics and market uses regardless of the method of making the raisins or variety of grapes used. The seven listed varietal types are: Natural (sun-dried) Seedless; Dipped Seedless; Golden Seedless; Muscats (including other raisins with seeds); Sultana; Zante Currant; and Monukka raisins. Section 989.10 also provides that the RAC may, subject to the approval of the Secretary, change this list of varietal types.

Section 989.10, as hereinafter set forth, defines the varietal types of raisins listed in § 989.10 to indicate which raisins are included in each category, and to allow for the inclusion of other raisins which have been developed recently or may be developed in the future. In this connection, the varietal type "Dipped Seedless" is changed to "Dipped and Related Seedless" to include raisins which are artificially dried but not dipped or sprayed, a recent development. Seedless raisins which have been artificially dried but

not dipped or sprayed closely resemble those currently included in the Dipped Seedless category and it is appropriate that these recently developed raisins be included in that category.

The change in the term "Dipped Seedless" to "Dipped and Related Seedless" necessitates minor wording changes in Subpart—Quality Control (7 CFR 989.701-989.703) and these changes are also made.

After consideration of all relevant matter presented, including that in the notice, the comment submitted, the information and recommendation submitted by the RAC, and other available information, it is hereby found that this action, hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553) in that:

(1) Raisin varietal types are used in connection with the application of quality and volume regulations under the raisin marketing order; (2) quality regulations for Dipped Seedless raisins have been effective since August 1, 1979, the beginning of the 1979-80 crop year, and volume regulation for Dipped Seedless raisins for that year were recommended by the RAC and is being considered now by the Department; (3) if established, that regulation would be effective for the entire crop year; (4) deliveries of all 1979 crop raisins are near completion and the changes in this action should therefore be made effective as soon as possible; (5) the industry has been conducting its operations in light of this action since August 1, 1979, and a later effective date could create administrative problems and confusion in the application of this year's regulations; and (6) no useful purpose would be served by making the effective date of this action later than August 1, 1979.

This action has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that it should not be classified "significant". An impact analysis is available from William J. Higgins, (202) 447-5053.

Therefore, the changes are as follows:

1. A new § 989.110 in Subpart—Administrative Rules and Regulations (7

CFR Part 989.102-989.176) is added, reading as follows:

**§ 989.110 Changed list of varietal types.**

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed by changing the term "Dipped Seedless" to "Dipped and Related Seedless" and by specifying definitions for each varietal type category as follows:

(a) Category (1), Natural (sun-dried) Seedless includes all sun-dried seedless raisins that possess characteristics similar to natural Thompson Seedless raisins which have not been dipped in or sprayed with water with or without soda, oil, or other chemicals prior to or during the drying process.

(b) Category (2), Dipped and Related Seedless includes, but is not limited to, all seedless raisins, other than those in Categories (1) and (3), produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water with or without soda, oil or other chemicals and which may or may not have been sulfured prior to drying. This category also includes seedless raisins produced from grapes which were not dipped in or sprayed with water prior to artificial dehydration. It also includes dried-on-the-vine raisins.

(c) Category (3), Golden Seedless includes all seedless raisins whose color varies from dark to golden yellow.

(d) Category (4), Muscats (including other raisins with seeds) include all raisins which usually contain seeds and possess characteristics similar to Muscat raisins.

(e) Category (5), Sultana includes all raisins which usually contain an undeveloped (vestigial) seed and possess characteristics similar to Sultana raisins.

(f) Category (6), Zante Currant includes all raisins that possess characteristics similar to those produced from Black Corinth or White Corinth grapes.

(g) Category (7), Monukka includes all raisins that possess characteristics similar to those produced from Monukka and Black Imperial grapes.

**§§ 989.701-989.703 [Amended]**

2. Sections 989.701, 989.702, and 989.703 of Subpart—Quality Control (7 CFR Part 989.701-989.703) are amended by changing the term "Dipped Seedless" to "Dipped and Related Seedless" wherever that term appears in these sections.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 2, 1979.

James S. Miller,  
*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 79-34441 Filed 11-6-79; 8:45 am]

BILLING CODE 3410-02-M

**FEDERAL RESERVE SYSTEM**

**12 CFR Parts 225, 262, and 265**

[Docket No. R-0255]

**Supervision of Foreign Banking Organizations and Edge Corporations by Federal Reserve Banks**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board has amended its regulations to assign responsibility for receiving applications and reports from a foreign bank that does not have a subsidiary bank in the United States to the Federal Reserve Bank of the district in which banking assets of the foreign bank are the largest. In addition, the Board has amended its regulations to transfer primary responsibility for the supervision, examination, and processing of applications of an Edge Corporation from the Reserve Bank of the district in which such Corporation is located to the Reserve Bank responsible for supervising the Corporation's parent holding company or bank. The amendments are being adopted in order to centralize in one Reserve Bank the responsibility for supervising the operations of banking organizations headquartered in its district.

**EFFECTIVE DATE:** October 24, 1979.

**FOR FURTHER INFORMATION CONTACT:** C. Keefe Hurley, Senior Counsel (202-452-3269), or Michael L. Kadish, Attorney (202-452-3428), Legal Division, Board of Governors of the Federal Reserve System.

**SUPPLEMENTARY INFORMATION:** Section 25(a) of the Federal Reserve Act (12 U.S.C. 611-631) provides for the organization of corporations for the purpose of engaging in international or foreign banking and financial operations ("Edge Corporations"), subject to such rules and regulations as the Board may prescribe. In accordance with the Board's Regulation K, the Board's Rules of Procedure, and the Board's Rules Regarding Delegation of Authority, each Edge Corporation is required to submit reports to and subject itself to examinations by the Reserve Bank of the district in which the Edge Corporation is located. On June 14, 1979, the Board revised Regulation K, 12 CFR

Part 211, affording Edge Corporations wider banking and investment powers. There has been significant growth in the number and size of Edge Corporations, most of which are wholly owned subsidiaries of United States banks or bank holding companies. Because of the close relationship between Edge Corporations and their parent institutions, the Reserve Bank responsible for supervising of the parent organizations should also have responsibility for supervision their subsidiary Edge Corporations. The Board has revised its procedures so that the Reserve Bank of the district where an Edge Corporation's parent holding company or bank is located will be responsible for all of the organization's out-of-district facilities.

A foreign bank that operates one or more branches, agencies, or commercial lending companies in the United States is subject to certain provisions of the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*) and to other supervisory and regulatory requirements as a result of the International Banking Act of 1978. The Board has assigned responsibility for receiving applications and reports from such an institution to the Reserve Bank in whose district the foreign bank's banking assets are largest.

As rules of agency procedure and practice, the notice and public participation provisions of 5 U.S.C. 553 with regard to the Board's action are not applicable. This action is taken pursuant to the Board's authority under sections 11 and 25(a) of the Federal Reserve Act (12 U.S.C. 248, 615), and section 5 of the Bank Holding Company Act (12 U.S.C. 1844).

Effective October 24, 1979, Parts 225, 262, and 265 of 12 CFR Chapter II are amended as follows:

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL**

1. By revising § 225.1(b) to read as follows:

**§ 225.1 Definitions.**

\* \* \* \* \*

(b) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this Part with respect to action by, on behalf of, or directed to be taken by a bank holding company or other organization shall mean either the Federal Reserve Bank of the Federal Reserve district in which the operations of the bank holding company or other organization are principally conducted, as measured by total deposits held or controlled by it in subsidiary banks on the date on which it became, or is to become, a bank holding company, or such Reserve Bank

as the Board may designate. In the case of a foreign banking organization that is not a bank holding company but which has one or more branches, agencies, or commercial lending companies located in any State of the United States or the District of Columbia, "Federal Reserve Bank" shall mean, unless otherwise determined by the Board, the Reserve Bank of the district in which its banking assets are the largest as of the later of January 1, 1980, or the date that it establishes its first branch, agency, or commercial lending company.

2. By revising § 225.4(g)(3) to read as follows:

**§ 225.4 Nonbanking activities.**

\* \* \* \* \*

**(g) Foreign bank holding companies.**

(3) A foreign bank holding company that is of the opinion that other activities or investments may, in particular circumstances, meet the conditions for an exemption under section 4(c)(9) of the Act may apply to the Board for such determination by submitting to its Reserve Bank a letter setting forth the basis for that opinion.

**PART 262—RULES OF PROCEDURE**

3. By revising § 262.3(c) to read as follows:

**§ 262.3 Applications.**

\* \* \* \* \*

(c) *Filing of applications.* Any application should be sent to the Federal Reserve Bank of the district in which the head office of the parent banking organization is located, except as otherwise specified on application forms, and that Bank will forward it to the Board when appropriate; however, in the case of a foreign bank holding company, as defined in § 225.4(g) of this chapter, applications shall be sent to the Federal Reserve Bank of the district in which the operations of the organization's subsidiary banks are principally conducted. In the case of a foreign banking organization that is not a bank holding company but that has one or more branches, agencies, or commercial lending companies in any State of the United States or the District of Columbia, applications shall be sent to the Federal Reserve Bank of the district in which the organization's banking assets are the largest. Applications of a member bank subsidiary, however, should be filed with the Reserve Bank of the district in which the member bank is located.

4. By deleting § 262.3(k)(5).

**PART 265—RULES REGARDING DELEGATION OF AUTHORITY**

5. By revising § 265.2(f) to read as follows:

**§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.**

\* \* \* \* \*

(f) *Each Federal Reserve Bank is authorized as to a member bank or other indicated organization for which the Reserve Bank is responsible for receiving applications or registration statements; as to its officers under subparagraph (23) of this paragraph; and as to its own facilities under subparagraph (26) of this paragraph:*

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, effective October 24, 1979.

Theodore E. Allison,  
*Secretary of the Board.*

[FR Doc. 79-34405 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**12 CFR Part 264b**

[Docket No. R-0260]

**Rules Regarding Foreign Gifts and Decorations**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final regulation.

**SUMMARY:** Pursuant to the requirement of section 515(g)(1) of Pub. L. 95-105, the Board is publishing a final regulation to implement the Foreign Gifts and Decorations Act, as amended. Since enactment of the 1976 amendments, the Board of Governors has modified internal operating procedures and practices to conform to the amended Act. The Board has now decided to promulgate an implementing regulation, in the belief that a regulation complies more fully than internal procedures with the intent of the law.

**EFFECTIVE DATE:** November 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** MaryEllen A. Brown, Senior Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3608).

**SUPPLEMENTARY INFORMATION:** The Constitution of the United States prohibits any federal employee from accepting any gift or decoration from any foreign government, except as consent to by Congress. In 1966, Congress enacted the Foreign Gifts and Decorations Act by which it expressed blanket consent to the acceptance by federal employees of certain gifts and

decorations. Generally, the Act permitted federal employees to retain foreign gifts of "minimal value" (defined by State Department regulations as meaning less than \$50) and to accept decorations for meritorious service. Gifts of more than \$50, however, could be accepted legally only if refusal would likely cause embarrassment to the United States or adversely affect our foreign relations. These gifts are considered the property of the United States.

Congress amended the Act in 1977, effective January 1, 1978. The amendments made substantial changes in the law's requirements, for the purpose of broadening the Act's coverage and strengthening its administration. Among other things, the amended Act raises the "minimal value" for gifts that may be accepted from \$50 to \$100. The amended Act also contains more stringent reporting requirements and provides for civil action by the Attorney General against any employee who accepts an unreported gift.

The amendments to the Act also require agencies to prescribe implementing regulations pursuant to guidelines provided by the Secretary of State.

The Board's final regulation incorporates, as appropriate, provisions of the State Department's implementing guideline and the General Services Administration's regulation issued September 17, 1979 (44 FR 53749).

This regulation is being published without prior opportunity for public comment under the authority of 5 U.S.C. § 553(a)(3) as an internal Board personnel rule in which the public interest is believed to be slight.

Accordingly, the Board hereby adopts the following new regulation by adding a new part 264b to Title 12 to read as follows:

**PART 264B—RULES REGARDING FOREIGN GIFTS AND DECORATIONS**

**Sec.**

264b.1 Purpose and scope.

264b.2 Definitions.

264b.3 Foreign gifts.

264b.4 Foreign decorations.

264b.5 Disposal of foreign gifts and decorations.

264b.6 Official use of foreign gifts and decorations.

264b.7 Reporting requirements.

264b.8 Implementing procedures.

264b.9 Miscellaneous.

**Authority.** 5 U.S.C. section 7342, as amended; and section 11(f) of the Federal Reserve Act, 12 U.S.C. section 248(f), 5 U.S.C. section 552.

**§ 264b.1 Purpose and scope.**

This regulation implements the 1977 Amendments to the Foreign Gifts and Decorations Act, Pub. L. 95-105, which restricts Board Members' and employees' acceptance of foreign gifts and decorations. The restrictions apply to gifts whether they are tangible or intangible. Different rules apply depending on whether the gift has only "minimal value." There are also rules regarding acceptance of decorations from foreign governments.

**§ 264b.2 Definitions.**

(a) The term "Board Members and employees" means:

(1) Members of the Board of Governors of the Federal Reserve System, officers, and other employees of the Board;

(2) Consultants while employed by the Board; and acting on behalf of the Board; and

(3) Spouses and dependents of Board Members, officers, employees, and consultants as defined in this section.

(b) The term "foreign government" means any unit of a foreign governmental authority (or its agent or representative), including any foreign, national, state, local, or municipal government, and any international or multinational organization whose membership is composed of any such units.

(c) The term "decoration" means an order, device, medal, badge, insignia, emblem, or award.

**§ 264b.3 Foreign gifts.**

Except as provided below, Board Members and employees shall not request, or otherwise encourage the tender of, or accept, or retain, a tangible or intangible gift from a foreign government.

(a) *Gifts of Minimal Value.* Board Members and employees may accept and retain a tangible or intangible gift of minimal value—that is, one having a retail value in the United States at the time of acceptance of \$100 or less—from a foreign government intended as a souvenir or mark of courtesy.

(b) *Educational Scholarships or Medical Treatment.* Board Members and employees may accept and retain a gift of more than minimal value from a foreign government when such gift is in the nature of an educational scholarship or medical treatment.

(c) *Tangible Gifts of More Than Minimal Value.* A tangible gift of more than minimal value tendered by a foreign government may be accepted when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely

affect the foreign relations of the United States. Such a gift accepted under these circumstances is deemed to have been accepted on behalf of the United States, and, upon acceptance, it shall become the property of the United States. Within 60 days after accepting a gift under these circumstances the member or employee must deposit the gift with the Secretary of the Board.

(d) *Travel or Expenses for Travel.* Board Members and employees may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and is permitted by the Board. Requests for Board approval of acceptance of such expenses shall be submitted to the Vice Chairman of the Board.

**§ 264b.4 Foreign decorations.**

Board Members and employees may accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance by a foreign government, subject to the approval of the Board. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the Board Member or employee, within 60 days of acceptance, with the Secretary of the Board for official use or disposal. Requests for Board approval of acceptance of such decorations shall be submitted in advance to the Vice Chairman of the Board.

**§ 264b.5 Disposal of foreign gifts and decorations.**

Within 30 days after a tangible gift or decoration is deposited for disposal with the Secretary of the Board, the gift or decoration shall be returned to the donor, or shall be forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with applicable law, or shall be retained for official use of the Board.

**§ 264b.6 Official use of foreign gifts and decorations.**

A foreign gift or decoration deposited with the Secretary of the Board may, with the approval of the Board, be retained for official Board use. The Secretary shall insure that, whenever possible, "official board use" of such a gift will benefit the greatest number of Board employees and/or the public. Within 30 days after terminating the

"official use" of a foreign gift, the Board shall report the termination of the official use to the Administrator of the General Services, in accordance with applicable GSA regulations.

**§ 264b.7 Reporting requirements.**

(a) When a Board Member or employee deposits a tangible gift or decoration of more than minimal value for disposal or for official use, or within 30 days after a Board Member or employee accepts travel or travel expenses as provided in this section, the Board Member or employee shall file a statement with the Secretary of the Board containing the information prescribed in paragraphs (b) and (c) that follow.

(b) For each tangible gift or decoration deposited with the Secretary of the Board, a Board Member or employee shall file a statement which shall include the following information:

(1) The name and position of the employee;

(2) A full description of the gift and the circumstances justifying acceptance;

(3) The identity of the foreign government and the name and position of the individual who presented the gift;

(4) The date of acceptance of the gift;

(5) The estimated value in the United States of the gift at the time of acceptance;

(6) Disposition or current location of the gift; and

(7) An indication whether the Board Member or employee is interested in participating in the sale of the tangible gift or decoration if it is sold by the General Services Administration.

(c) For each gift of travel or travel expenses accepted, a Board Member or employee shall file a statement which shall include the following information:

(1) The name and position of the employee;

(2) A brief description of the travel or travel expenses, including the amount, or estimated costs, and the circumstances justifying acceptance; and

(3) The identity of the foreign government and the name and position of the individual who provided the travel or travel expenses.

(d) Board Members and employees need not report the following gifts and decorations:

(1) Gifts of minimal value;

(2) Decorations retained by the employee with the approval of the Board;

(3) Gifts and decorations offered but refused by the Board Member or employee.

(e) Not later than January 31 of each year, the Secretary of the Board shall



compile a listing of all statements filed during the preceding year by Board Members and employees pursuant to this section and shall transmit such listing to the Secretary of State for the purpose of publishing a listing of all such statements in the Federal Register.

#### § 264b.8 Implementing procedures.

The Board shall:

(a) Report to the Attorney General cases in which there is reason to believe that a Board Member or employee has violated this section;

(b) Establish a procedure in the Office of the Secretary of the Board for obtaining an appraisal, when necessary, of the value of gifts; and

(c) Take any other actions necessary to carry out the purpose of this subsection, including appropriate disciplinary action for failure to comply with provisions of this Part.

#### § 264b.9 Miscellaneous.

The provisions of this Part do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.

*Effective Date.* This part becomes effective November 1, 1979.

By Order of the Board of Governors,  
October 29, 1979.

Theodore E. Allison,  
*Secretary of the Board.*

[FR Doc. 79-34548 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 101

[Revision 2, Amdt. 5]

#### Delegations of Authority To Conduct Program Activities in Field Offices; Correction

**AGENCY:** Small Business Administration.  
**ACTION:** Correction to final rule.

**SUMMARY:** This corrects a final rule published in the Federal Register on October 16, 1979 (44 FR 59499) concerning delegations of authority to conduct program activities in field offices.

**EFFECTIVE DATE:** October 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** Lee Waugh, Paperwork Management Branch, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653-6703.

In FR 79-31884 appearing at pages 59499 through 59504 in the issue for Tuesday, October 16, 1979, on page 59503, in Part VII, Section A, para. 1, a

subparagraph b should be added to read "b. Assistant Regional Administrator for Minority Small Business and Capital Ownership Development" and subparagraphs b and c relettered as c and d.

Actions taken during the period October 1, 1979 to November 7, 1979, are hereby ratified.

Dated: November 1, 1979.

William H. Mauk, Jr.,  
*Acting Administrator.*

[FR Doc. 79-34258 Filed 11-6-79; 8:45 am]  
BILLING CODE 8025-01-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 385

[Reg. OR-158 Amendment No. 91 to Part 385]

#### Amendment of Delegation of Authority to the Director, Bureau of Domestic Aviation

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB amends its delegation of authority to permit the Director, Bureau of Domestic Aviation, to issue orders to show cause proposing to grant and final orders granting unopposed applications for certificates of public convenience and necessity, under certain circumstances. The CAB is further amending its delegation of authority to allow the Director, Bureau of Domestic Aviation, to issue orders stating that the Board intends to process such applications through show-cause procedures.

**DATES:** Effective: November 1, 1979.

Adopted: November 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** Thomas Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-6067.

**SUPPLEMENTARY INFORMATION:** The passage of the Airline Deregulation Act (Pub. L. 95-504) has substantially increased the number of applications for new route authority being filed with the Board. In the case of domestic and overseas air transportation, these applications are usually routine and, when accompanied by a petition for an order to show cause, or in which show-cause treatment has been requested under Subpart Q of Part 302 of the Procedural Regulations, are usually handled under expedited show-cause procedures. The delegation we are adopting here will facilitate the processing of these applications by allowing the staff to issue a show-cause

order proposing to grant the application, in all cases where the application is unopposed and there is no issue with respect to the applicant's fitness, and to issue an order finalizing the show-cause order where no objections to the order have been filed. The delegation will also permit the staff to issue a notice of intent to process the application under show-cause procedures, as the Act requires us to take initial action on applications within 90 days from the date of their receipt, and there may be instances where other business prevents the preparation of the show-cause order within the required period.

Since these amendments are administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board amends 14 CFR Part 385 by adding new paragraph (u) to read:

#### § 385.13 Delegation to the Director, Bureau of Domestic Aviation.

The Board delegates to the Director, Bureau of Domestic Aviation, the authority to:

\* \* \* \* \*

(u) With respect to applications filed under section 401 of the Act for authority to engage in interstate or overseas air transportation, accompanied by a petition for an order to show cause or in which show-cause treatment has been requested under Subpart Q of Part 302 of this chapter:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and the applicant has already been found fit, willing and able by the Board to provide service of the same basic scope and character;

(2) Issue an order stating the Board's intention to process the application through show-cause procedures; and

(3) Issue an order finalizing an order to show cause issued under paragraph (u)(1) of this section, where no objections to the order to show cause have been filed.

\* \* \* \* \*

(Secs. 204 and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, [49 U.S.C. 1324, 1371] Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, [49 U.S.C. 1324 (note)])

By the Civil Aeronautics Board.  
Phyllis T. Kaylor,  
*Secretary.*

[FR Doc. 79-34444 Filed 11-6-79; 8:45 am]  
BILLING CODE 6320-01-M

**FEDERAL TRADE COMMISSION****16 CFR Part 460****Trade Regulation Rules; Labeling and Advertising of Home Insulation****AGENCY:** Federal Trade Commission.**ACTION:** Stay of the effective date of the rule.

**SUMMARY:** On August 31, 1979, the Commission promulgated its trade regulation rule on labeling and advertising of home insulation (44 FR 50218). The Commission also announced in that notice that the effective date of the rule would be November 30, 1979.

Since that time, four home insulation manufacturers have filed in the Court of Appeals a petition for review of the rule. The same firms have filed with the Commission a petition for a stay of the representative thickness testing and television advertising disclosure provisions of the rule pending appeal.

For the past few weeks, the Commission's staff has been engaged in consultations with various parties in an attempt to develop fair and workable compliance guidelines on the subject of representative thickness testing. Because the rule's requirement for representative thickness testing has been the principal point of contention throughout the rulemaking proceeding, the Commission believes that these staff consultations should continue. Therefore, the Commission has concluded, on its own motion, that the public interest warrants a 30-day delay in the effective date of the rule. This brief delay will allow the efforts to develop guidelines for representative thickness testing to continue, and will provide the Commission with additional time to fully consider, if necessary, the issues raised in the pending petition for a stay of the rule.

**DATE:** For the foregoing reasons, the effective date of the Commission's trade regulation rule on labeling and advertising of home insulation will be December 31, 1979.

**FOR FURTHER INFORMATION CONTACT:** FTC/PE, Paul J. Petrucci, Washington, D.C. 20580. (202) 724-1508.

By direction of the Commission.

Dated: November 1, 1979.

Carol M. Thomas,  
Secretary.

[FR Doc. 79-34477 Filed 11-6-79; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE****Social Security Administration****20 CFR Part 416****[Regulations No. 16]****Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility****AGENCY:** Social Security Administration, HEW.**ACTION:** Interim Rule.

**SUMMARY:** These regulations revise our rule on the frequency of redeterminations of eligibility for Supplemental Security Income (SSI) benefits. The Social Security Act requires that eligibility be redetermined at intervals to be established by the Secretary. Existing regulations require a redetermination at least every 12 months. The revised regulations still require periodic redeterminations but permit the interval to vary depending on the type of case involved.

**DATES:** These regulations are effective November 7, 1979. However, your comments will be considered if we receive them no later than January 7, 1980.

**ADDRESSES:** Send your written comments to the Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments can be seen at the Washington Inquiries Section, Office of Information, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, S.W., Washington, D.C. 20201.

**FOR FURTHER INFORMATION CONTACT:** Rita Hauth, Legal Assistant, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

**SUPPLEMENTARY INFORMATION:** Once persons have been found to be eligible for SSI benefits, we must make periodic reviews to see if they continue to be eligible for benefits and are receiving the correct payment amount. These reviews are called redeterminations.

Under the existing regulations, redeterminations must be made at intervals not exceeding 12 months. Thus, a redetermination is required for every SSI beneficiary at least once a year. The existing rule forces us to devote considerable time and effort on the many cases where the beneficiary's eligibility and payment amount rarely change. Further, it imposes an undue burden and intrusion on beneficiaries in those cases by requiring their

participation in annual redeterminations which serve no useful purpose.

These regulations eliminate the requirement for an annual redetermination. We will still schedule periodic redeterminations, but the interval may vary depending on the type of case involved. Also, we will continue to redetermine cases at any time we receive information that suggests a change in eligibility or payment amount.

We are constantly assessing the different types of cases in the SSI program in order to determine under what circumstances and how often a change in eligibility status is likely to occur. As a result, we have been able to identify types of cases where we do not expect a change to occur even over a period of several years. In other cases, a change is apt to occur within a brief time period. Under these regulations we can increase our attention to cases where the expectation of change is high, and therefore reduce the possibility for erroneous payments in the SSI program.

This refocusing of attention does not represent a decrease in SSA's quality control efforts. SSA field offices review SSI cases and actions to ensure that rules are properly applied and that applicants and beneficiaries give us complete information. In addition, SSA's Office of Assessment carries out an ongoing quality control program that is independent of field reviews and the redetermination process.

Since the new rule will enable us to make immediate cost savings and since it will be advantageous to the agency and beneficiaries alike, we believe it would be contrary to the public interest not to publish these regulations with interim effect. We are therefore waiving rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553(b)).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program).

Dated: October 23, 1979.

Stanford G. Ross,  
Commissioner of Social Security.

Approved: November 1, 1979.

Patricia Roberts Harris,  
Secretary of Health, Education, and Welfare.

20 CFR § 416.222 is revised to read as follows:

**§ 416.222 Redeterminations of eligibility.**

(a) *Redeterminations defined.* A redetermination is a review of conditions of eligibility to make sure that a beneficiary is still eligible and is receiving the right payment amount.

(b) *When redeterminations are made.* Redeterminations are scheduled to occur periodically. The length of time

between scheduled redeterminations varies depending on the likelihood of change in eligibility status.

Redeterminations may also occur whenever information is received that suggests a change in eligibility status.

(c) *Period of time covered by a redetermination.*

(1) The first redetermination applies to—

- (i) The calendar quarter in which the redetermination is made;
- (ii) All the calendar quarters after the quarter of first eligibility; and
- (iii) Future calendar quarters until the second redetermination.

(2) The second or later redetermination applies to—

- (i) The calendar quarter in which the redetermination is made;
- (ii) All the calendar quarters that came after the last redetermination; and
- (iii) Future calendar quarters until the next redetermination.

(3) If two redeterminations cover the same calendar quarter, the later is the one that applies to that quarter.

(Secs. 1102, 1602, 1611, and 1631 of the Social Security Act as amended, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1466 and 86 Stat. 1475, 42 U.S.C. 1302, 1381a, 1382, and 1383.)

[FR Doc. 79-34324 Filed 11-6-79; 8:45 am]

BILLING CODE 4110-07-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. R-79-733]

### 24 CFR Part 205

#### Mortgage Insurance for Land Development (Title X); Computation of Maximum Mortgage Amount—Application and Commitment Procedures

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Final rule.

**SUMMARY:** These regulations establish a new loan-to-value ratio, processing phase and bonding requirements for the Title X mortgage insurance program. The loan-to-value ratio is amended to limit the sponsor from securing a substantial profit resulting from an increase in the value of the land without development. The new processing phase brings Title X processing more into the line with the Departments' multi-family processing procedures which is essentially how Title X loans are processed. Finally, the bonding

requirements are being changed from 100% to 50% performance and 50% payment bonds.

**EFFECTIVE DATE:** December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** William L. Halpern, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, Washington, DC 20410, Telephone: (202) 755-6720 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On August 18, 1976, this Department published proposed amendments (41 FR 34977) to Part 205 of Title 24 of the Code of Federal Regulations (1) to change the loan-to-value ratio used in determining the maximum mortgage which will be available to land developers applying for Title X land development mortgage insurance; (2) to change the application procedures for the Title X land development program so that they will more closely parallel the processing procedures in the multifamily mortgage insurance program; and (3) to change the surety bonding requirements to permit 50 percent performance and 50 percent payment bonds instead of 100 percent bonds which are presently required. Interested persons were invited to participate in the proposed rulemaking by submitting written data, views, and arguments with respect to this proposal.

The Department received two comments in response to those proposed amendments, both of which have been reviewed and carefully considered. The following is a discussion of the comments and the changes made in the proposed rule.

#### Loan-to-Value Ratio

Both commentors addressed as their major objection the proposed loan-to-value ratio, § 205.55. It was emphasized that the proposed ratio limited sponsors from obtaining working capital or protection from unanticipated cost overruns based on any equity they may have in the property over and above the acquisition cost or outstanding indebtedness relating to the property. Moreover, it was suggested that the proposed ratio penalized sponsors who had acquired and held the property for a long period of time as opposed to the developer purchasing the land and financing it with a Title X insured mortgage. The Department concurs that a problem exists in this regard and has, therefore, rewritten the (b) portion of the proposed regulation. The final rule sets the maximum mortgage amount based on the Commissioner's estimate of development cost plus acquisition cost or outstanding indebtedness, whichever

is greater, plus 50 percent of any equity sponsors may have in the land over and above their acquisition cost or outstanding indebtedness based on the Commissioner's estimate of the value of the land before development. The amount so determined is limited to 90 percent of the Commissioner's estimate of the development cost plus 80 percent of the Commissioner's estimate of the value of the land before development.

The final rule will enable a sponsor to obtain an insured loan on a portion, up to 50 percent, of any equity they may have in the land over and above their acquisition cost or outstanding indebtedness. Such a mortgage amount is sufficiently large that funds could be made available for working capital or to hedge against possible cost overruns should a release of the excess funds prior to final closing be appropriate. At the same time, the ratio insures that sufficient equity in the property remains so the developer will not lose interest in marketing the finished lots. The 50 percent figure is one which will normally provide a sponsor with adequate funds but still be such that underwriting risk is lessened. Also, through an oversight, the portion of the regulation in effect presently limiting the mortgage amount to 85 percent of the Commissioner's estimated value of the property after the completion of the development was not contained in the proposed rule. Section 205.55 was modified to include this limitation.

One commentor voiced concern that the total exclusion of indebtedness within two years of the date of the application for a Site Appraisal and Market Analysis (SAMA) letter when determining maximum mortgage amount. See § 205.55. The final rule permits indebtedness incurred within two years of the application for a SAMA letter to be included in determining the maximum mortgage amount if the Commissioner approves the indebtedness. The Department concurs that flexibility is necessary in this regard.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Finding are available for inspection and copy in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban

Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Title 24, Chapter II, Part 205 is amended as follows:

1. Subpart A of the Table of Contents to Part 205 is amended by changing the second centered heading and the section headings thereunder, by adding a new § 205.9 and heading, and by deleting and reserving § 205.12, as follows:

\* \* \* \* \*

Applications, SAMA Letter and Commitments

Sec.  
205.5 Applications.  
205.7 Effect and term of SAMA letter.  
205.9 Effect and terms of commitments.  
\* \* \* \* \*  
205.12 [Reserved]  
\* \* \* \* \*

2. The centered heading, "Preliminary Examination and Application," and § 205.5 are revised to read as follows:

Applications, SAMA Letter and Commitments

§ 205.5 Applications.

(a) An application for the issuance of a Site Appraisal and Market Analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage shall be submitted by the project sponsor and an approved mortgagee. An applicant may initially elect to submit an application to the local HUD office for a SAMA letter, conditional commitment or firm commitment depending upon the completeness of the drawings, specifications and other required exhibits. An applicant also may elect to proceed directly to the firm commitment processing stage after issuance of a SAMA letter.

(b) All applications shall be submitted to the local HUD Field Office on HUD approved forms. No application shall be considered unless the information, documents and exhibits required in connection with the application form are submitted with it.

3. Section 205.7 is revised to read as follows:

§ 205.7 Effect and term of SAMA letter.

(a) *Effect of SAMA letter.* The issuance of a SAMA letter indicates that HUD has completed the site appraisal and market analysis stage of processing to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed land development and does not bind HUD to issue either a conditional or a firm commitment to insure. The SAMA letter precedes the

later submission of acceptable plans, specifications and other data for the proposed land development and is limited to advising the applicant as to the following determinations of the Commissioner which shall not be changed to the detriment of an applicant if the application for a conditional or firm commitment is received before expiration of the SAMA letter:

- (1) The "as-is" value of the land;
- (2) The value of typical lots (in first stage, if a staged land development project) after development;
- (3) The acceptability of the type of project proposed;
- (4) The acceptability of any community improvements proposed or required (in the first stage, if a staged land development project);
- (5) The completion of an environmental assessment and clearance (including Environmental Impact Statement, if necessary) pursuant to Departmental instructions and regulations; and
- (6) The acceptability of the market for the proposed land development project and the estimated absorption period.

Where the application is not acceptable as submitted, but can be made acceptable by a change in the size or nature of the development, the SAMA letter may establish an acceptable alternative plan based on such changed land development project.

(b) *Term of SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

4. A new section numbered 205.9 is added as follows:

§ 205.9 Effect and terms of commitments.

(a) *Effect of conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving:

- (1) The acquisition cost of the land;
- (2) The acreage, number of lots and community improvements;
- (3) The estimated development cost of the project and the estimated construction period;
- (4) The financial requirements and the mortgage amount;
- (5) The financial and credit capacity of the sponsorship; and
- (6) The Development Report for the proposed project, which is prepared by the Field Office; and which incorporates the construction schedule, the building program, land uses, and all required development improvements that are to be installed in the project.

(b) *Effect of firm commitment.* The issuance of a firm commitment indicates HUD's approval of the application for insurance and sets forth the terms and

conditions upon which the mortgage will be insured.

(c) *Rejection of an application.* A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

(d) *Types of firm commitment.* The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(e) *Terms of commitments.*

(1) A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(2) A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(3) A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and, if construction is begun as required, the commitment shall be effective for such additional period, estimated by HUD, as will allow for completion of construction.

(4) The term of either a conditional or a firm commitment may be extended in such a manner as the Commissioner may prescribe.

(f) *Reopening of expired commitments.* An expired conditional or firm commitment may be reopened if a request for reopening is received by HUD within 90 days of the expiration of the commitment. If the reopening request is not received by HUD within the required 90-day period, a new application, accompanied by the required application and commitment fees, must be submitted.

5. Section 205.10 is revised to read as follows:

§ 205.10 Application and commitment fees.

(a) *Application fee—SAMA letter.* An application fee of \$1 per thousand dollars of the requested mortgage amount to be insured shall accompany the application for a SAMA letter.

(b) *Application fee—conditional commitment.* An application fee of \$1 per thousand dollars of the requested mortgage amount to be insured shall accompany the application for conditional commitment in cases in which the application fee for an

unexpired SAMA letter has been collected. A fee of \$2 per thousand dollars of the requested mortgage amount to be insured shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(c) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application fee which, when added to prior fees received in connection with applications for the SAMA letter and the conditional commitment, will aggregate \$4.50 per thousand dollars of the requested mortgage amount to be insured.

(d) *Reopening fee—conditional or firm commitment.* A reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the mortgage amount set forth in the expired commitment.

#### § 205.12 [Reserved]

6. Section 205.12 is hereby deleted and its number is reserved.

7. Section 205.55 is revised to read as follows:

#### § 205.55 Maximum mortgage amount—loan-to-value limitation.

(a) A mortgage shall involve a principal obligation not in excess of the lesser of the following:

(1) 90 percent of the Commissioner's estimate of the development cost plus 80 percent of the Commissioner's estimate of the value of the land before development;

(2) The total of:

(i) The Commissioner's estimate of the development cost, plus

(ii) The greater of acquisition cost or all outstanding indebtedness secured by the land, plus

(iii) 50 percent of the difference between the applicable amount in subparagraph (ii) and the Commissioner's estimate of the value of the land before development; or

(3) 85 percent of the Commissioner's estimated value of the property after the completion of the development.

(b) Indebtedness incurred within two years of the date of the SAMA application may not be treated as indebtedness for the purpose of this section except as approved by the Commissioner.

(c) If a staged development is involved, for the purpose of determining the amount under subparagraph (a)(2)(iii), only the portion of the amount arrived at under subparagraph (a)(2)(ii)

and the portion of the Commissioner's estimate of the value of the land before development which are applicable to the stage being developed are to be utilized.

8. Section 205.82(a)(1) is revised to read as follows:

#### § 205.82 Assurance of completion.

(a) \* \* \*

(1) Performance and payment bonds issued by a surety company satisfactory to the Commissioner on forms approved by the Commissioner. Each bond shall be in the amount of 50 percent of the cost of improvements as estimated by the Commissioner

(Title X of the National Housing Act; 12 U.S.C. 1749 aa et seq.)

Issued at Washington, D.C. on October 30, 1979.

Lawrence B. Simons,  
*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 79-34433 Filed 11-6-79; 8:45 am]

BILLING CODE 4210-01-M

#### 24 CFR Part 841

[Docket No. R-79-690]

#### Public Housing Development; Revision of Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Notice of Deferral of Interim Rule Effective Date.

**SUMMARY:** On August 9, 1979 (44 FR 46996), HUD published an Interim Rule for the purpose of streamlining and simplifying the public housing development process. The Interim Rule was to have become effective November 7, 1979, but, as a result of the public comments received, the Department has determined that the effective date should be deferred until further notice.

**FOR FURTHER INFORMATION, CONTACT:** Raymond W. Hamilton, Director, Public Housing Development Division, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; (202) 755-5846.

**SUPPLEMENTARY INFORMATION:** When revised, the Interim Rule will be published as a Final Rule.

Authority: Section 7(d) Department of HUD Act, (42 USC 3535(d)); U.S. Housing Act of 1937 (42 U.S.C. 1437).

Issued at Washington, D.C. on November 2, 1979.

Lawrence B. Simons,  
*Assistant Secretary for Housing—Federal Housing Commissioner*

[FR Doc. 79-34323 Filed 11-6-79; 8:43 am]

BILLING CODE 4210-01-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Part 1

[T.D. 7627]

#### Arbitrage Bonds; Income Tax; Taxable Years Beginning After December 31, 1953

##### Correction

In FR Doc. 79-17314 appearing at page 32657 in the issue for Thursday, June 7, 1979, on page 32674, third column, tenth line of the second paragraph under *Example (3)*, insert the following before "January 1, 1982":

"January 1, 1983. The \$4 million due on"

BILLING CODE 1505-01-M

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

#### 36 CFR Part 60

#### National Register of Historic Places; Transfer of Regulations

AGENCY: National Park Service, Interior.  
ACTION: Redesignation of Part 60, Chapter 1 to Part 1202, Chapter XII.

**SUMMARY:** Since the Heritage Conservation and Recreation Service was established on January 25, 1978, regulations currently published in Title 36, Chapter I which pertain to the programs of the Service must be transferred to Title 36, Chapter XII. So that the Service's regulations are consolidated under one Title and Chapter, this document redesignates and transfers 36 CFR Chapter 1, Part 60 to 36 CFR Chapter XII, Part 1202.

**EFFECTIVE DATE:** November 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles A. Herrington, Acting Keeper of the National Register, United States Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C. 20243 (202) 343-6401.

**SUPPLEMENTARY INFORMATION:** This document transfers and redesignates 36

CFR, Chapter I, Part 60 to 36 CFR, Chapter XII, Part 1202. Therefore, Part 60 is deleted from Title 36. Elsewhere in this Federal Register, 36 CFR, Chapter XII, Part 1202 is amended on an interim basis.

Dated: October 29, 1979.

Bob Herbst,

*Assistant Secretary of the Interior.*

[FR Doc. 79-34454 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-03-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 222

#### Grazing Fee System, Southern Region

AGENCY: USDA, Forest Service.

ACTION: Final rulemaking.

**SUMMARY:** This rule amends the procedure for determining annual grazing fees on certain Federal lands administered by the Forest Service, U.S. Department of Agriculture. It implements the grazing fees for fee years 1980 through 1985 on these National Forests: National Forests in Alabama, Florida, Mississippi, North Carolina, South Carolina, Texas; Kisatchie, Daniel Boone, George Washington, Cherokee, Jefferson, Ouachita (excluding Oklahoma portion), and Ozark-St. Francis National Forests.

**DATE:** Effective March 1, 1980.

**ADDRESS:** Regional Forester, USDA Forest Service, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.

#### FOR FURTHER INFORMATION CONTACT:

Sam D. Halverson, USDA Forest Service, 1720 Peachtree Road, NW., Atlanta, Georgia 30309, Telephone (404) 881-4569.

**SUPPLEMENTARY INFORMATION:** This final rule implements the proposed rule published in the Federal Register at pages 46480-46481, August 8, 1979. This change is necessitated by the periodic re-evaluation of the system for determining fair market value.

The system represents the value of the use to the user. The following fee structure resulted from a study by Georgia State University of fair market fees in the Southern Region, as applied to a modification of the grazing fee formula contained in Pub. L. 95-514, the Public Rangelands Improvement Act of 1978.

$$EV = \frac{BFMV \times BCPI}{100}$$

In which:

EV=Economic value.

BFMV=Base fair market value.

BCPI=Beef cattle price index.

### Implementation

Data for 1979 (November 1, 1978, through October 31, 1979) are used to compute the fee for the 1980 fee year (March 1, 1980, through February 28, 1981).

#### National Forests Except Florida

For the 1979 grazing season, the grazing fee is \$0.25 per animal month for beef cattle, and the economic value equals \$0.71, a difference of \$0.46. Beginning with the 1980 grazing season, we will recover the difference in value of \$0.46 in four annual steps of \$0.10, \$0.12, \$0.12 and \$0.12. The annual grazing fee will be the current fee plus the annual adjustment step plus the change in economic value due to any change in beef cattle prices. Full implementation of the grazing fee schedule and collection of economic value will be achieved in 1983.

Annual adjustments of the grazing fee will not exceed 25% of the previous year's fee after fees being charged are equivalent to economic value.

#### National Forests in Florida

The economic value for Florida for the 1979 grazing season is \$0.50, and the grazing fee is \$0.25 per animal month, a difference of \$0.25. We will recover the difference in economic value in three annual steps of \$0.08, \$0.08 and \$0.09. The same procedures apply for computing the grazing fee for years subsequent to 1979 as previously described for the other National Forests in the Southern Region.

#### Public Participation

Previous publication in the Federal Register on February 4, 1977, November 23, 1977, and December 14, 1978, together with public meetings in March and April 1977, and Congressional Hearings during 1977 and 1978 have provided many opportunities for participation by many groups and individuals in the decision making processes on grazing fees. Public comments on this proposal for this final rule for the Southern Region were accepted throughout a review period of 60 days, ending October 8, 1979. A limited number of public comments was received. The questions addressed by these comments are as follows:

#### Summary of Comments

1. Achieve full implementation of the revised grazing fee schedule as early as possible and do not delay adjustment over a four-year period.

2. The proposed fee increase is still too little because the operational cost difference does not reflect actual costs. The Forest Service would be justified in a more substantial increase in fees.

3. Considering the installation and maintenance of improvements and the high risks involved, such as losses from rustling, the current fee should be continued.

#### Response to Public Comment

The adjustment to the current economic value of \$0.71 from the 1979 fee of \$0.25 requires a total adjustment of \$0.46 per animal month. To achieve full implementation of the revised fee schedule in 1980 would amount to an increase of 184%. While not directing by Pub. L. 95-514 to specifically follow that act in the Southern Region, an annual adjustment was calculated to more closely comply with the President's Executive Order on control of inflation.

The Forest Service is required to charge fair market value for grazing livestock on National Forest System lands. Both the economic value of grazing and the contributions provided by or required of the permittee are considered in determining fair market value. The Summary of Public and Private Costs, adjusted for Southeast conditions, is based on the averages of the costs incurred by permittees for each cost item while grazing their livestock on public lands in the Southern Region, versus the operation costs on leased private grazing lands.

The nonfee costs of using public and private lands compare improvement installation and maintenance and high-risk elements such as lost animals, veterinary services and inspection costs, among others, and these are reflected in the grazing fee.

Sam D. Halverson,

*Range Section Head, Range, Timber and Wildlife Staff Unit.*

[FR Doc. 79-34321 Filed 11-6-79; 8:45 am]

BILLING CODE 3410-11-M

## AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

### 36 CFR Ch. VI

#### Revocation of Chapter

AGENCY: Department of the Interior.

ACTION: Revocation.

**SUMMARY:** Executive Order 12001 of June 29, 1977, transferred the functions of the American Revolution Bicentennial Administration (ARBA) to the Secretary of the Interior. This transfer, which became effective on June 30, 1977, gave



authority to the Secretary to "administer existing contracts and grants" and "provide for the continuation of appropriate commemoration of events relating to the American Revolution until December 31, 1983." Since the remaining ARBA functions are now under the jurisdiction of the Department, the rules published in 36 CFR Chapter VI are no longer applicable and should be revoked.

**DATE:** This revocation is effective on November 7, 1979.

**FOR FURTHER INFORMATION CONTACT:**

William L. Kendig, Deputy Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240, Telephone: 202-343-4701.

**SUPPLEMENTARY INFORMATION:** The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The primary author of this document is Lois W. Paull, Office of Administrative Services, telephone 202-343-6191.

Dated: October 30, 1979.

William L. Kendig,

*Deputy Assistant Secretary of the Interior.*

**CHAPTER VI—AMERICAN  
REVOLUTION BICENTENNIAL  
ADMINISTRATION—[REVOKED]**

Pursuant to the authority of Executive Order 12001, Chapter VI of Title 36 is revoked.

[FR Doc. 79-34407 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-10-M

**DEPARTMENT OF THE INTERIOR**

**Heritage Conservation and Recreation  
Service**

**36 CFR Part 1202**

**National Register of Historic Places**

**AGENCY:** Heritage Conservation and Recreation Service, Interior.

**ACTION:** Redesignation and Interim amendment of rule.

**SUMMARY:** This proposed interim amendment amends the procedures by which owners are notified of proposals to nominate their property to the National Register of Historic Places and adopts the transfer of 36 CFR, Part 60 Chapter I, with amendments. Since the Heritage Conservation and Recreation Service was established on January 25, 1978, regulations currently published in

Title 36, Chapter I which pertain to the programs of the Service must be transferred to Title 36 Chapter XII. So that the Service's regulations are consolidated under one Title and Chapter, this document adopts the transfer of 36 CFR, Chapter I, Part 60 with amendments.

**DATES:** These amendments are effective November 7, 1979. Comments on these interim amendments will be accepted and considered. Comments must be received on or before January 7, 1979.

**ADDRESS:** Written comments should be addressed to the Acting Keeper of the National Register of Historic Places, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles A. Herrington, Acting Keeper of the National Register, United States Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C. 20243 (202) 343-6401.

**SUPPLEMENTARY INFORMATION:** On March 15, 1977, 36 CFR Part 60, National Register of Historic Places was amended in light of the passage of the Tax Reform Act of 1976, 90 Stat. 1519, to provide an opportunity for fuller public participation in the nomination process. However, the notification of property owners by the Federal government in the current regulations is less effective than notification by States in providing maximum opportunity for public participation in the nomination process. In addition, it has substantially slowed the review process at the Federal level, thus reducing the National Register's ability to expeditiously fulfill its legislated role. In order to rectify this situation certain amendments to § 1202.12 and § 1202.13 (formerly 36 CFR 60.12 and 60.13) are set forth below.

This redesignation and amendment is developed under the authority of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.* Because these interim amendments have to do with procedural aspects of the National Register program and have no impact upon the environment, an environmental impact statement is not necessary. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The originator of these procedures is Bill Lebovich of the National Register of Historic Places (202) 343-6401.

Dated: October 29, 1979.

Bob Herbst,

*Assistant Secretary of the Interior.*

(National Historic Preservation Act of 1966, as amended, 16 U.S.C. Sections 470-470t, PL 89-665, 80 Stat. 1915-1919)

1. Accordingly, the regulations currently in 36 CFR, Chapter I, Part 60, are transferred to Chapter XII and redesignated as Part 1202.

2. Sections 1202.12 (c), (d), (e), (f), and (g) and § 1202.13 (formerly § 60.12 (c), (d), (e), (f), and (g) and § 60.13(a)-(c) of Part 60 of Title 36) of the Code of Federal Regulations are hereby amended as follows:

(A) § 1202.12 is amended by deleting paragraph (g) and revising paragraphs (c)-(f) to read as follows:

**§ 1202.12 Notification.**

\* \* \* \* \*

(c) Listing in the National Register is a Department of the Interior decision. As a part of the nomination process, each State is required to notify in writing the property owner of record from the most current list available at the time of the notification, except as specified in paragraph (d) of this section, of the State's intent to bring the nomination before the State review board. The State will send out written notification at least 30 but not more than 45 days before the State review board meeting. Required notices may vary in some details of wording as the States prefer, but the content of notices must be approved by the National Register. At least 30 but not more than 45 days before the State review board meeting, the States are also required to send out notification to local, county and municipal authorities in which property is located by the above mentioned National Register approved letter. A draft of the National Register nomination must be on file in the State Historic Preservation Office and a copy made available by mail when requested by the public prior to the State review board meeting so that written comments regarding the nomination can be prepared.

(d) In the event of a nomination of a historic district containing more than 50 properties, each State is required to send out at least 30 but not more than 45 days in advance of the State review board meeting, written notice to local, county and municipal authorities and to provide general notice to property

owners concerning the State's intent to nominate the district. Such general notice must be published in one or more local newspapers of general circulation in the area of that district. The content of the notices must also be approved by the National Register. The general notice must be published at least 30 days but not more than 45 days before the review board meeting to provide an opportunity for the submission of written comments. If such general notice is used to notify the property owners within a historic district containing more than 50 properties, it is strongly suggested that a public hearing be held in the immediate area of the proposed district prior to the board meeting. If the State wishes to individually notify all property owners, it may do so, pursuant to procedures specified in 1202.12(c), providing the notifications are sent out at least 30 days but not more than 45 days before the review board meeting.

(e) When the State Historic Preservation Officer signs the nomination and forwards it to the National Register of Historic Places, he or she is certifying that all procedures specified in 36 CFR Part 1202 have been followed.

(f) State Historic Preservation Officers are required to inform the property owners of record and the appropriate local authorities when properties are listed in the National Register. In the case of historic districts containing more than 50 properties, the property owners may be notified of the district's inclusion in the National Register by the same general notice stated in § 1202.12(d).

(B) In § 1202.13 paragraph (c) is deleted; paragraphs (a) and (b) are revised to read as follows:

**§ 1202.13 Publication in the "Federal Register" and Notification to the State Historic Preservation Officer.**

(a) When a nomination is received, the National Register Office will publish notice in the Federal Register that the property is being considered for listing in the National Register. A 15-day commenting period from date of publication will be provided. Under exceptional circumstances this 15-day period may be shortened.

(b) The Heritage Conservation and Recreation Service will notify the State Historic Preservation Officer of the listing of the property in the National Register and will publish notice of the listing in the Federal Register.

[FR Doc. 79-34455 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[FCC 79-609]

#### Reregulation of Radio and TV Broadcasting; Correction to Order

**AGENCY:** Federal Communications Commission.

**ACTION:** Correction to Final Order.

**SUMMARY:** In the Broadcasting Reregulation Order, FCC 79-609, published in the Federal Register on October 11, 1979, at 44 FR 58729, a typographical error showing the carrier frequency tolerance for FM stations as "1000 hertz" is corrected to read "2000 hertz."

**EFFECTIVE DATE:** October 22, 1979.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** John Reiser, Philip Cross, Steve Crane, Broadcast Bureau, (202) 632-9660.

**SUPPLEMENTARY INFORMATION:** In the matter of reregulation of radio and TV broadcasting. *Erratum*.

Released: October 30, 1979.

In the above-captioned Order, FCC 79-609, released October 5, 1979, and published in the Federal Register on October 11, 1979, at 44 FR 58729, a typographical error showed the carrier frequency tolerance as 1000 hertz in lieu of 2000 hertz. Paragraph (b)(1) of Section 73.1545 (Appendix paragraph 36) should read as follows:

(b)(1) The departure of the carrier or center frequency of an FM station with an authorized transmitter output power more than 10 watts may not exceed 2000 hertz from the assigned frequency.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-34328 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[BC Docket No. 79-165; RM-3355]

#### FM Broadcast Station in Homasassa Springs, Fla.; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Report and Order.

**SUMMARY:** Action taken herein assigns a Class A FM channel to Homasassa Springs, Florida, as its first FM assignment, in response to a petition

filed by West Wind Broadcasting, Inc. The assigned channel will provide for a first local aural broadcast service to Homasassa Springs.

**EFFECTIVE DATE:** December 10, 1979.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Homasassa Springs, Florida). Report and order. (Proceeding Terminated).

Adopted: October 26, 1979.

Released: October 30, 1979.

By the Acting Chief, Policy and Rules Division:

1. On June 22, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 44 FR 38917, proposing the assignment of FM Channel 237A to Homasassa Springs, Florida, at the request of West Wind Broadcasting, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. Comments in support were also filed by Bee Cee Broadcasting, Incorporated. No oppositions to the proposal were received.

2. Homasassa Springs (pop. 7,757)<sup>1</sup>, in Citrus County (pop. 19,176)<sup>2</sup> is located on the west coast of central Florida, approximately 111 kilometers (69 miles) north of Tampa, and 106 kilometers (66 miles) south of Gainesville, Florida. There is no local aural broadcast service in Homasassa Springs.

3. Petitioner asserts that Homasassa Springs is the third largest community in Citrus County, and claims that its population has grown by 310% since 1970. Petitioner states that Homasassa Springs has a diversified economy with the chief industries being tourism, seafood and boat building.

4. In response to a question raised in the *Notice*, petitioner indicates that according to the University of Florida, the population of the unincorporated portion of Citrus County, in which Homasassa Springs is situated, is estimated at 33,946. It also submitted information from the United States Postal Service which indicates that the

<sup>1</sup>There is no Census figure listed for Homasassa Springs, Florida. Petitioner claims that, according to the Citrus Chamber of Commerce, University of Florida, and the U.S. Postal Service, the present population of Homasassa Springs is estimated to be 7,757.

<sup>2</sup>Population figure taken from the 1970 U.S. Census.



permanent population of Homasassa Springs can be estimated at 6,894. Bee Cee Broadcasting, Incorporated, supplied data which confirms the approximate population figures provided by petitioner.

5. In view of the foregoing, the Commission believes the assignment of Channel 237A to Homasassa Springs, Florida, is warranted. A demand has been shown for the proposed assignment and it would provide Homasassa Springs with a needed first local aural broadcast service. It can be assigned in conformity with the applicable minimum distance separation requirements.

6. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. In view of the foregoing, *It is ordered*, That effective December 10, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Homosassa Springs, Florida, is amended to read as follows:

City	Channel No.
Homosassa Springs, Florida	237A

8. *It is further ordered*, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Acting Chief, Policy and Rules Division,  
Broadcast Bureau.

[FR Doc. 79-34329 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Parts 83 and 87

[FCC 79-673]

**Implementing Changes in Frequencies and Operating Procedures Relating to Mobile Stations Engaged in Scene-of-Action Search and Rescue Activities Which Were Adopted at the ITU World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This regulation implements changes in frequencies and operating procedures relating to mobile stations

engaged in scene-of-action search and rescue activities. These changes were adopted at the ITU World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978.

**EFFECTIVE DATE:** November 13, 1979.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

**SUPPLEMENTARY INFORMATION:**

#### Order

Adopted: October 25, 1979.

Released: October 31, 1979.

By the Commission:

In the Matter of Amendment of Parts 83 and 87 to implement changes in frequencies and operating procedures relating to mobile stations engaged in scene-of-action search and rescue activities which were adopted at the ITU World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978.

1. The Final Acts of the World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978 (ITU WARC, 1978) came into force on 1 September 1979, with the associated Frequency Allotment Plan coming into force on 1 February 1983. The ITU International Frequency Registration Board in Circular Letter No. 439, dated May 31, 1979, provided that the provisions of the ITU WARC, 1978, which changed 3023.5 kHz to 3023 kHz and extended the coordination of search and rescue scene-of-action operations on 3023 (previously 3023.5) kHz and 5680 kHz, including communications between mobile stations and participating land stations, should enter into force on 1 September 1979. These frequencies are for common use by the aeronautical mobile (R) and (OR)<sup>2</sup> services on a worldwide basis.

2. The rules in Part 83 contained the frequencies 3023.5 kHz and 5680 kHz for search and rescue operations. The rules in Part 87 contained the frequency 3023.5 kHz for search and rescue but did not include 5680 kHz. We are amending the rules to change the frequency 3023.5 kHz to 3023 kHz, add the frequency 5680 kHz

<sup>1</sup> Frequencies in the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with flight along national or international civil air routes.

<sup>2</sup> Frequencies in the aeronautical mobile (OR) service are reserved for communications between any aircraft and aeronautical stations other than those primarily concerned with flight along national or international civil air routes. In the U.S. these frequencies are allocated to Government stations.

where necessary and include the expanded operations to land stations engaged in search and rescue activities. The addition of the frequency 5068 kHz in Section 87.403 requires a watch on that frequency by airdrome control stations in Alaska. The rules permit an exemption from this requirement.

3. This Order implements these amendments. All of the proposed amendments are administrative in nature in that they implement an international treaty requirement. The treaty provisions are being implemented in our rules precisely and no discretionary action on the part of the Commission is involved.

Consequently, compliance with the notice and procedural requirements of § 553 of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary.

4. Regarding questions on matters covered in this document, contact Nicholas G. Bagnato, (202) 632-7175.

5. In view of the foregoing, *It is ordered*, That, pursuant to the authority contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, the rule amendments as set forth in the attached Appendix, are adopted, effective November 13, 1979.

Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 83 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

#### PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

The Frequency table in 83.351(a) is amended 83.351(b)(75) is revised and to read as follows:

##### § 83.351 Frequencies available.

(a) \* \* \*

Carrier frequency kHz	Conditions of use	
	Section	Limitations
* * *	* * *	* * *
2830	83.358, 83.362	7, 39, 41
3023		75
3250	83.372	35, 71
* * *	* * *	* * *

(b) \* \* \*

(75) The frequencies 3023 and 5680 kHz may be used by aircraft and ship stations for search and rescue scene-of-action coordination purposes, including communications between these stations and participating land stations. Ship

stations communicating with aircraft stations shall employ 2.8A3H emission before February 1, 1982, and 2.8A3J emission on and after that date.

## PART 87—AVIATION SERVICES

1. Section 87.183(g) is revised to include "R" band frequencies authorized for search and rescue activities.

### § 87.183 Frequencies available.

(g) 3023 kHz, 5680 kHz, 122.9 MHz and 123.1 MHz: When engaged in search and rescue activities in accordance with subpart K of this part, these frequencies may be used by aircraft stations for:

(1) Air-to-air communications with other aircraft engaged in search and rescue activities.

(2) Air-to-ground communications with aeronautical search and rescue stations.

(3) The frequencies 3023 and 5680 kHz may be used by aircraft and ship stations for search and rescue scene-of-action coordination purposes, including communications between stations and participating land stations. Ship stations communicating with aircraft stations shall employ 2.8A3H emission before February 1, 1982, and 2.8A3J on and after that date.

2. Section 87.195(c) is revised to read as follows:

### § 87.195 Frequencies available.

(c) 3023 kHz and 5680 kHz are available to air carrier aircraft only where service in the appropriate very high frequency band is not available or where service is suspended due to equipment failure.

3. Section 87.201(a) is revised to read as follows:

### § 87.201 Frequencies available.

The following frequencies, in addition to those listed in § 87.183 are available to private aircraft stations:

(a) 3023 kHz and 5680 kHz. Aircraft calling and working frequency for use by private aircraft engaged in search and rescue activities.

4. Section 87.403(b) is revised to read as follows:

### § 87.403 Scope of service.

(b) The licensee of an airdrome control station shall maintain a continuous listening watch during hours

of operation on the following frequencies:

121.5 MHz  
3023 kHz (Alaska only)  
5068 kHz (Alaska only)

The licensee of an airdrome control station may be exempt from these watch requirements when authorized by the Commission after a satisfactory showing has been made that an exemption will not adversely affect life and property in the air.

5. Section 87.441 is amended by adding a new paragraph (d) as follows:

### § 87.441 Frequencies available.

(d) The frequencies 3023 kHz and 5680 kHz may be used by aircraft and ship stations for search and rescue scene-of-action coordination purposes, including communications between these stations and participating land stations. Ship stations communicating with aircraft stations shall employ 2.8A3H emission up to February 1, 1982, and 2.8A3J after that date.

[FR Doc. 79-34498 Filed 11-6-79; 8:45 am]  
BILLING CODE 6712-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

[Service Order No. 1371-A]

**Car Service; Union Pacific Railroad Co. Authorized To Operate Over Tracks of Southern Pacific Transportation Co.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Service Order No. 1371-A.

**SUMMARY:** Union Pacific Railroad Company is authorized to operate over tracks of the Southern Pacific Transportation Company between its San Pedro Branch and its Long Beach facilities.

**DATE:** Since an emergency no longer exists, Service Order No. 1371 is vacated effective 11:59 p.m., October 31, 1979.

**FOR FURTHER INFORMATION CONTACT:** J. Kenneth Carter, (202) 275-7840.

Decided: October 30, 1979.

Upon further consideration of Service Order No. 1371 (44 FR 20438), and good cause appearing therefore:

*It is ordered, § 1033.1371 Service Order No. 1371* (Union Pacific Railroad Company authorized to operate over tracks of Southern Pacific Transportation Company) is vacated effective 11:59 p.m., October 31, 1979. (49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34328 Filed 11-6-79; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Parts 611 and 672

**Groundfish of the Gulf of Alaska; Fishery Management Plan and Final Regulations**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Promulgation of final rules.

**SUMMARY:** The National Oceanic and Atmospheric Administration is publishing modifications and final approval of amendments to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska. The amendments include reassessment and amendment of the specifications of optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), reserves and total allowable level of foreign fishing (TALFF) for the 1979-80 fishing year. The amendment to the FMP prepared and proposed by the Secretary of Commerce in order to extend the FMP through 1979-80 fishing year was modified as a result of comments received. The final regulations which were also modified by public comments are promulgated below.

**EFFECTIVE DATE:** November 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586-7221.

**SUPPLEMENTARY INFORMATION:****I. Background****A. History of the FMP.**

On April 21, 1978, an FMP for the Gulf of Alaska Groundfish, prepared by the North Pacific Fishery Management Council (Council) and approved by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) was published (43 FR 17242). This FMP has been amended frequently. In summary, the purposes of the amendments were to: (1) Extend the fishery year to October 31, 1979, (43 FR 34825); (2) allow a directed Pacific cod fishery to concentrate in one portion of a fishing area (43 FR 47222); (3) raise reserves to allow for possible joint ventures (43 FR 46349); (4) modify regulatory areas; modify fishing restrictions on foreign vessels; increase the OY for squid and Atka mackerel; relax domestic restrictions on trawl gear; require annual renewal of domestic fishing permits, and extend the period for submitting domestic catch reports (44 FR 40099); (5) establish an OY for fish of the genus *Coryphoenoides* (rattails) (44 FR 42738); (6) reduce the domestic annual harvest (DAH) on most groundfish species and reallocate the surplus to total allowable level of foreign fishing (TALFF) (44 FR 46904) and (7) correct the Federal Register copy of the plan for non-substantive oversights (to be published).

**B. History of the Secretary's Amendment.**

On August 10, 1979 the Secretary published (44 FR 47124) an advance notice of proposed rulemaking (ANPR) and intention to prepare a secretarial amendment to the FMP. This ANPR:

1. Indicated that the FMP and implementing regulations would expire on November 1, 1979;

2. Referenced a July 31, 1979 finding, under Section 304(c)(1)(A) of the Fishery Conservation and Management Act of 1976 (the Act), as amended, that it was necessary to prepare a Secretarial amendment to the FMP to avoid social and economic disruption which would result from cessation of foreign fishing and joint venture operations; and to help assure full utilization of available fishery resources;

3. Invited comments on issues to be considered, specifically: (a) Reassessment of estimates of Optimum Yield's (OY's), Domestic Annual Processing (DAP), Domestic Annual Harvest (DAH) and reserves; (b) joint venture harvests; (c) reserve releases; and (d) processor reporting requirements; and

4. Indicated that new information received after the Secretary had

published the Secretarial amendment would be considered during the comment period on the Secretarial amendment, and that the record of the Council meeting on August 23-24, 1979, would also be considered by the Assistant Administrator as a comment on the Secretarial amendment.

On September 7, 1979, the Secretary published the approved Secretarial amendment and proposed regulations (44 FR 52284). The notice reiterated that new information would be considered by the Assistant Administrator in determining the final form of this amendment and implementing regulations. The preamble specifically requested further comments on the estimate of joint venture processing (JVP) with particular reference to actual catches and catch rates in August and September.

**C. Summary of the Original Secretarial Amendment.**

The amendment extended the FMP for the fishing year November 1, 1979–October 31, 1980.

With one exception the amendment did not change the specifications of OY, DAP, or DAH established by amendments 4, 5, and 6. The DAP for sablefish was raised to reflect new information from domestic processors. Until further new information was received, amendments 4, 5, and 6 were considered to reflect the best information available. To implement the intent of Pub. L. 95-354, however, the amendment redefined the expected DAH as including the portion of the U.S. harvest utilized by domestic processors (DAP), the portion of the U.S. harvest discarded (DIS), and the portion of the U.S. harvest estimated for delivery to foreign processing vessels (JVP), and the amount of non-processed fish (NPF) harvested. The amendment also established a reserve equal to 20 percent of the OY. DAH values were revised to reflect the sum of the components: DAP, DIS, NPF and JVP. (NPF is the same as DNP used later.) The values of JVP were changed in accordance with the best available information at that time. The total allowable level of foreign fishing (TALFF) was redefined as follows: TALFF-OY-DAH-Reserve.

II. Differences between the proposed regulations and the final regulations.

**A. OY for Pacific Cod and Atka mackerel.**

The new Pacific cod OY is based on supplemental survey data not available at the time of the Secretarial amendment. The new mackerel OY is based on data from trawl surveys rather than on hydroacoustic surveys as in the

past and is considered to be more realistic. The increase in both cases will result in the TALFF being raised.

Species	Proposed regulations (mt)	Final regulations (mt)
Pacific cod OY	34,800	60,000
Atka mackerel OY	26,800	28,700

**B. Estimate of JVP.**

The final regulations estimate the level of JVP at 25,000 mt. The estimate of the proposed regulations was 97,845 mt. While the same survey results were used in the proposed and the final regulations, the final regulations give greater weight to the actual performance of joint venture operations. By late August, Marine Resources had completely ceased its joint venture harvesting activity in the Gulf of Alaska. KMIDC was conducting only limited efforts. Joint venture harvest in the fishing year 1978-79 is now expected to be about 1500 mt.

**C. The OY for *Sebastolobus*.**

The final regulations establish a separate, Gulf-wide OY for fish of the genus *Sebastolobus* (deep water rockfish caught incidental to longlining), whereas the proposed regulation treated *Sebastolobus* as part of "other species". The final regulation treatment of *Sebastolobus* is more consistent with the original data and definitions used for "other species" as well as the intended management regime of the FMP. The effect of the final regulation is to decrease the chances of a biologically unnecessary closure of foreign fishing in the fishery through reaching the quota of an incidental species prior to the taking of the full quota of the target species.

**D. Apportionment from DAH.**

The final regulations include a procedure to apportion from the domestic annual harvest (DAH) to the TALFF without the necessity of an FMP amendment. This procedure will afford more flexibility in the implementation of the FMP and will increase the probability that OY will be achieved.

**III. Response to Comments.**

A total of six comments were received on the amendment. One extensive comment from the North Pacific Fishery Management Council was in the form of an amendment to the FMP. Although most of the wording was the same or similar to the wording in the Secretary's original amendment there were several important differences. Since the comments of the Council were: (A) Based on more recent data and more

extensive analysis than the Secretary's amendment; (B) consistent with the Act and other applicable law; and (C) within the scope of the issues and proposals presented by the Secretary in this action, they have been incorporated, with one exception, into the Secretarial amendment. The changes in the regulations arising from incorporation of the Council's comments are discussed in Section II of this preamble.

Two commenters emphasized the Council's comments and provided both legal and practical justification for implementing regulations based on the Council's comments, rather than on the original Secretarial amendment. This is what is being done. One of these two commenters also requested that NMFS and the Department of State recognize that Japanese longline vessels have a traditional fishery in Alaska waters for many years and have cooperated in research and enforcement efforts. This comment is noted. The Department of State has the primary responsibility for allocating TALFF. It is also noted that the Department of State received a copy of this comment.

A third commenter, who also recommended that the Council's comment be used to modify the Secretarial amendment, raised several additional points. The comment indicated that the proposed regulations: (A) Are vague as to specific times, and amounts of apportionment of reserves; (B) establish reserves that are not justified in view of the likelihood of domestic catch exceeding the DAH; (C) establish DAP's for pollock, Pacific cod and sablefish that are excessive in the light of actual U.S. performance; (D) should establish OY's for flounder, Pacific ocean perch and sablefish at the level of acceptable biological catch (ABC); (E) should establish Gulf-wide OY's for squid, other rockfish and Atka mackerel; (F) should allow "releases" from DAH to TALFF be effected earlier in the year; (G) should establish an "unspecified species" category; and (H) should reduce the vessel reporting requirement from five to three areas.

In response to these comments:

(A) The lack of an upper limit on the reserve release mechanism will allow greater amounts to be released earlier in the year should conditions in the fishery warrant such action; (B) the reserves, provide a contingency against the real possibility that either DAP or JVP will dramatically increase; (C) if the DAP's turn out to be excessive, there is a mechanism to transfer those amounts to TALFF without the necessity of a plan amendment; (D) there is no new evidence that these stocks are rebuilt to the point where OY can be set at ABC;

(E) no evidence was presented to indicate that localized fishing of these species could not occur; (F) there is a new mechanism in the regulations that should overcome the late lowering of DAH that occurred in the 1978-79 fishing year; (G) no specifics were provided for this action at this time; and (H) the current reports are necessary to monitor for localized overfishing during the fishing year.

Several comments concerned methods and procedures related to interpreting preferences under Pub. L. 95-354 for domestic processors to U.S.-harvested fish. The comments were directed at the methods for estimating DAH, DAP, and JVP.

Methods and procedures for estimating U.S. harvesters' and processors' capacity and intent to use that capacity, are the subject of a separate rulemaking. Interim final regulations were promulgated on February 7, 1979, at 44 FR 7708.

The plan amendment, conforms with the interim final regulations by assessing and specifying DAP and the amount of U.S.-harvested fish, by species, which will be received at sea by foreign vessels (JVP). Moreover, the plan amendment provides for periodic assessments of DAP, NPF, and JVP as required under § 602.5(d)(2).

An additional comment concerned imposing time and area closures on U.S. joint venture fishermen, to afford U.S. processors a better opportunity to receive U.S. harvested fish and maximize DAP.

NMFS believes that such restrictions on the activities of vessels in "joint ventures" should be considered when reviewing applications for foreign processing in support of U.S. harvester vessels, and believes that restrictions may be appropriate if there is also a conservation related rationale for imposing the restrictions. The regulation continues the interpretation of the FMP that allows joint venture processing within the 3-12 mile zone.

#### IV. Other matters.

(A) The amendment to the FMP is reprinted to reflect the changes as a result of comments. Realizing the difficulty of following the language of the FMP through its many amendments the Council has reprinted the FMP in an updated "looseleaf" form as a service to interested parties. Those wishing to obtain a copy of the "looseleaf" version are encouraged to contact the Council directly. (Address: North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510).

(B) A negative assessment of environmental impact for this action is

on file with the Environmental Protection Agency. A preliminary determination of non-significance under Executive Order 12044 has been made by the Assistant Administrator for Fisheries. The Assistant Administrator has also determined that these regulations should be effective immediately because no additional regulatory restrictions are imposed immediately on any person as a result of this action. This action confers a benefit and immediate implementation is required to prevent disruption of on-going fisheries and to achieve full utilization of the fishery resources concerned.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 1st day of November 1979.

Winfred H. Meibohm,  
Executive Director, National Marine  
Fisheries Service.

#### Gulf of Alaska Fishery Management Plan

A. The Fishery Management Plan for the Gulf of Alaska Groundfish which was published on April 21, 1978 in the Federal Register (43 FR 17242) is amended as follows: (The Amendment published September 7, 1979, (44 FR 52284) is struck; all following changes are made in sequential order by Federal Register page number and section.)

Page 17245; Summary; paragraph 5: delete "343,900"; insert "374,750" paragraph 6: delete last sentence of paragraph 6

Pages 17245-6; paragraphs 5 and 6: invert paragraph order

Page 17245; Summary; paragraph 7: delete "44,500"; insert "20,000"; add last sentence as follows: "In addition, American fishermen expect to deliver 25,000 mt of assorted groundfish to foreign processors as a result of joint ventures."

Page 17245; Summary; paragraph 10: change to read as follows: "Regulatory measures currently in effect are those established by the State of Alaska, the International North Pacific Fisheries Convention, the International Pacific Halibut Commission, and the implementing regulations effective December 1, 1978, as amended, for both the foreign and domestic groundfish fisheries in the Gulf of Alaska Fishery Management Unit."

Page 17245; Summary; No. 2: delete all after "formula", and insert the following: "TALFF (initial) = OY-Reserve-DAH. The 20 percent of OY held as a reserve should be reallocated either to the foreign fisheries or to the domestic fishery in season, following a

reassessment of the performance of these fisheries.

Page 17245; Summary; No. 3: delete and insert the following: "Base DAH on the estimated catch by U.S. fishermen to be delivered to U.S. processors to be used as bait or sold fresh, and foreign processors."

Page 17245; Summary; No. 4: delete and insert the following: "Distribute the OY through the three regulatory areas of the Gulf of Alaska (except for *Sebastolobus*) proportional to the biomass of the stocks found in those areas. This provision to apply both to U.S. and foreign fishermen. The OY for *Sebastolobus* is apportioned Gulf-wide."

Page 17245; Summary; last paragraph: delete

Page 17246; Table of Contents: delete "Other Species—MSY—16,200 mt" following decimal 4.7.11; insert "Idiot Rockfish (genus *Sebastolobus*)" following decimal 4.7.11

Page 17246; Table of Contents: add "4.7.12 Other Species—MSY—16,200

Page 17247; Section 2.2.2(b): delete and insert the following: "b. DAH (expected domestic annual harvest) is the estimated portion of the U.S. groundfish harvest which will be utilized by domestic processors (DAP), the estimated portion which will enter non-processed fish markets (DNP), and the estimated portion, if any, delivered to foreign processors (JVP) which are permitted to receive U.S. harvested groundfish in the fishery conservation zone. c. DAP is the estimated portion of DAH that is expected to be processed by U.S. processors. The Council will reassess and revise the DAP periodically during the plan year, based on processor reports and any changes in factors that would alter the levels of resource utilization. d. DNP is derived from estimates of the quantities and species of groundfish that enter non-processed fish markets. The principal utilization is as bait in the crab and longline fisheries. Minor quantities enter the institutional and household markets. Determinations of DNP are based on reported sales and interviews with fishermen who directly utilize groundfish catches for bait. Projected utilization in the plan year takes account of changing demands related to the planned magnitude of fisheries requiring groundfish as bait. e. JVP is the U.S. harvested portion of the OY in excess of the capacity and intent of U.S. processors to utilize or for which actual domestic markets are not available that will be delivered to foreign processors who are authorized to receive such U.S. harvested fish in the fishery conservation zone.

The components of the DAH are dynamic and require periodic assessment to assure that DAH remains realistic and based on the best available, current information. Accordingly, DAH values will be amended as required."

Page 17247; Section 2.2.3: delete and insert the following: "TALFF (determination of the total allowable level of foreign fishing): TALFF is determined by deducting the DAH and RESERVE from the OPTIMUM YIELD."

Page 17247; Section 2.2: add a new paragraph to read as follows: "4. A reserve is established equal to 20 percent of the OY of each species to account for uncertainties arising from harvests delivered to U.S. processors, U.S. processing capacity, joint ventures, and imprecise allocations of by-catch species in mixed-species fisheries. Reserves are to be promptly apportioned to the DAH and TALFF in that order of priority, in accordance with the procedures and criteria specified in the regulations as necessary to achieve the FMP objectives."

Page 17265; Section 3.5.1; 2nd paragraph; 3rd line: delete "... seven ..." insert "... nine ..."

Page 17265; Section 3.5.1; species listing: insert "Rattails" following "Pollock" insert "Idiot Rockfish (*Sebastolobus*)" following "Rattails" - Page 17308; Table 58: insert new Table 58<sup>1</sup>

Page 17309; Section 4.7.7.1: delete section and add the following: "4.7.7.1 Maximum Sustainable Yield (MSY).

Based on NMFS resource assessment surveys, the maximum sustainable yield for Pacific cod in the Gulf of Alaska is estimated at 88,000–177,000 mt.

This estimate is derived from the Gulland (1969) equation:  $MSY = 0.4 B_0 M$  and assumes that the biomass is near the level of the virgin population ( $B_0$ ) and natural mortality ( $M$ ) is equal to 0.6, the rate reported by Ketchen (1964) for British Columbia stocks.

The total exploitable biomass ( $B_0$ ) of 368,000–736,000 mt was estimated using trawl survey data from the period 1973–78. Population estimates for the Central regulatory area is based on the period January–April 1977–78. The biomass estimate for this region is substantially higher than estimates obtained from previous surveys (1973–74), but there is no indication that the increase is due to year class fluctuation but instead may be due to a long-term increase in biomass and/or changes in resource availability. Biomass estimates from the

<sup>1</sup> New Tables 58, 61, 61-a, 62, 63, and 64 appear at the end of these amendments.

remaining Gulf of Alaska regions are from the period April–October 1973–76 and each region is defined as follows:

- (1) Fairweather: 136–00' W. long. to 140–00' W. long.
- (2) Yakutat: 140–00' W. long. to 140–30' W. long.
- (3) Prince William: 144–30' W. long. to 148–00' W. long.
- (4) Kenai: 148–00' W. long. to 151–00' W. long.
- (5) Kodiak: 151–00' W. long. to 154–00' W. long. south of Kodiak Island.
- (6) Shelikof: 152–22' W. long. to 156–38' W. long. north of 57–00' N. lat.
- (7) Chirikof: 154–00' W. long. to 158–00' W. long. south of 57–00' N. lat.
- (8) Shumagin: 158–00' W. long. to 161–00' W. long.
- (9) Sanak: 161–00' W. long. to 165–00' W. long. All catch data were standardized to kg/hr and mean CPUEs were calculated for each region by depth zones. The overall mean CPUE for a region and the entire Gulf of Alaska was calculated by area/weighted CPUEs.

The standing stock for each survey region or INPFC area was approximated using the following relationship:

$$P_w = \frac{CPUE(A)}{c \cdot \bar{a}}$$

where  $P_w$  is equal to the average standing stock in weight of the exploitable population; (A) is the total area;  $\bar{a}$  is the average bottom area covered by the trawl per standard tow; and  $c$  is a coefficient related to the effectiveness of the trawl in capturing cod, effectiveness being related to the availability of cod and to the degree cod are vulnerable to capture when they come under the influence of the trawl. Estimates of  $c$  given for some gadoid species of the northeast Atlantic vary considerably by species ranging from 0.08 to 0.51 (Edwards 1968). For Gulf of Alaska cod, the coefficient is not known but is assumed to lie within the range of 0.5 to 1.0. The standing stock estimates, therefore, have a minimum and maximum value.

For those portions of an INPFC area which were not surveyed, the biomass was estimated using the average CPUE from the surveyed portion. A full description of survey procedures and locations is presented in Alton et al (1977)."

Page 17310; Section 4.7.11: delete and add new section as follows: "4.7.11 Idiot Rockfish (genus *Sebastolobus*) 4.7.11 Maximum Sustainable Yield (MSY)

Both species of *Sebastolobus* (*S. alascanus*—*S. altivelis*) are found in the Gulf of Alaska and are most commonly

associated with the deepwater catch of sablefish.

Scant data exists from which to form an assessment of stock strength but additional information is expected to be available early in 1980.

Based on the existing information available, the Maximum Sustainable Yield for *Sebastes* is estimated to be 3,750 mt.

#### 4.7.11.2 Equilibrium Yield (EY)

Not applicable—MSY attainable

Page 17310; Section 4.0: add new section as follows: "4.7.12 Other Species—MSY = 16,200 mt.

Very little is known about the distribution and abundance of fish referred to as "other species." However, based on the best scientific evidence available derived from past performances of foreign fishing vessels, the MSY for "Other Species" is estimated at 16,200 mt."

Page 17312; Section 5.2.1: delete 1st paragraph and insert the following: "The domestic annual harvest in the Gulf of Alaska was reassessed in mid-1979. Queries were sent to processors who were asked to respond concerning their expected processing performance for the next fishing year. The results are given in Table 61."

Page 17312; Section 5.2.1.1: add the following text ahead of the last paragraph: "The Council DAH Working Group reviewed the results of a survey of the king crab and shrimp fishing organizations and the two joint ventures to determine the number of boats that intend to fish for bottomfish next year. The telephone survey queried the North Pacific Fishing Vessel Owner's Association, United Fishermen of Alaska, Kodiak Shrimp Trawlers, Korean Marine Industrial Development Corporation and Marine Resources, Inc. Each group were asked: How many boats from your organization intend to fish bottomfish next year under the current markets; if the markets were unlimited and the price the same; or if the markets were unlimited and the price paid for fish increased? The questions and the estimates were independent of any information needed for DNP-bait estimates.

The results were as follows:

#### Intent to Harvest

Conditions	Capacity
a. Current markets current prices	28,000 to 115,000 mt (16—24 vessels)
b. unlimited markets current prices	36,000 to 115,000 mt (20—24 vessels)
c. unlimited markets increased prices	99,000 to 288,000 mt (75—85 vessels)

The estimates were based on harvest ranges and actual catch rates of vessels with capacities ranging from 60 to 120 mt per week, 30 to 40 weeks fishing for

shrimp trawlers and 10 to 15 weeks fishing for crab vessels—and includes both those vessels associated with joint ventures and those associated with American processors.

The DAH Working Group believes that the Processor Preference Amendment (Pub. L. 95-354) requires an assessment of both catching intent and processing intent to establish whether there is a surplus catching capacity available for joint ventures.

The group concluded that the "harvesting intent" survey was probably incomplete but still valuable to the Council in pointing out the need to consider harvesting intent and not maximum harvesting capacities. They felt that the estimates from the harvesting survey were valid and should be considered a starting place for an analysis of the surplus harvesting potential for joint ventures. They also felt that the combined use of historic/present/expected fishing trends and market conditions would lead to the most accurate prediction of the potential for U.S. boats in the bottomfish industry for the next fishing year."

Page 17312; Section 5.2.1.2: delete and insert the following: "An analysis of the recently completed NMFS processor survey revealed (a) the domestic processors intend to process approximately 20,000 metric tons of groundfish in the Gulf of Alaska in 1980, (b) approximately 4,000 metric tons will be used for bait and fresh sales (DNP), and (c) joint venture companies intend to process approximately 97,000 metric tons. Surveys showed that the overall U.S. processing capacity had increased from 203,000 metric tons in 1978 to 220,000 metric tons for 1979-80. Incomplete or late responses to the survey were handled by using estimates from the May/June NMFS survey or by informal communications

The estimated amounts for joint ventures and domestic processors were reluctantly accepted at "face-value" by the Working group. They felt that modification in the survey estimates were probably possible if more information were available: I.e., (a) What is the Council's policy on the sablefish fishery? Should sablefish be taken by domestic trawl over foreign longline? What are the exact numbers of U.S. boats to fish for joint ventures? Why are 1979-80 processing estimates so much larger than the 1978-79 catches?"

Page 17312; Section 5.2.1.4; 1st line; delete: "The survey . . ." insert: "An earlier survey . . ."

Page 17312; Section 5.2.1.4; 3rd line; delete: "is . . ." insert: "was . . ."

Page 17312; Section 5.2.1.4; add new paragraph as follows: "Holding capacity for the foreign processing ships that might be involved in joint U.S./foreign ventures in the Gulf of Alaska was not considered a factor since the product will be moved on a regular basis."

Page 17313; Section 5.2.2; 2nd paragraph, 3rd line; delete: "1978 . . ." insert: "1980 . . ."

Page 17313; Section 5.2.2; 2nd paragraph; line 9; delete all after ". . . U.S. fishing vessels."; insert the following: "This form of domestic utilization was allowed during four months of 1978 and more than six months in 1979. The conservation and management regime in the plan provides for a continuation of deliveries of U.S. harvested fish to foreign processors who have been issued permits to receive such fish. This provision is intended to increase the U.S. harvested portion of the OY beyond the capacity and intent of U.S. processors to utilize the resources."

Page 17313; Section 5.2.2.1; delete text; insert the following: "While most U.S. processors interviewed indicated an intense interest in developing a fishery for Gulf of Alaska groundfish, early expectations have not been realized. The 1979 DAH of 44,500 mt was reassessed in mid-season and amended down to 18,100 mt. The State of Alaska, the federal government, and the fishing industry are presently investing funds and effort in well-organized groundfish fishery development efforts. The probability is high that substantial expansion of the domestic groundfish fishery will occur in the next few years.

The domestic annual capacity and intent to process (DAP) and the expected domestic annual harvest were reevaluated in August, 1979, following a survey of U.S. processors and fishermen, an evaluation of the performance of U.S. harvestors and an examination of other factors including the seasonality of all fisheries, the status of alternative fisheries, and changes in fleet size, processing capacity and markets. The processor survey went to Gulf of Alaska processors and requested information on (a) the amount of fish processed to date and (b) their intent and capacity to process groundfish from Nov. 1, 1979 to Oct. 31, 1980. Fishermen were queried through their respective crab and shrimp organizations and asked how many boats could be expected to fish for bottomfish during the next plan year—with the current markets, unlimited markets and increased prices.

As a result of the assessment, the DAH, DAP, DNP and JVP have been amended and distributed among the



three regulatory areas according to processor location. (Table 64).

The survey and reassessment methodologies were designed to provide results consistent with the plan and intent of Pub. L. 95-354. The DAP values established by this reassessment are applicable to the 1980 fishing year (Nov. 1, 1979-Oct. 31, 1980) although subject to revision on the basis of periodic reassessments during the year.

Page 17313; Section 5.2.2.2; delete and insert the following: "Two foreign processing vessels were given permits to receive U.S. harvested groundfish from U.S. fishermen in the Gulf of Alaska during part of both 1978 and 1979. Although the permits originally authorized receipt of up to 155,000 mt of pollock and assorted by-catch set aside as a joint venture reserve (JVP), the quantities of U.S. harvested fish actually delivered were minor and much of the JVP was incrementally reallocated to the TALFF.

The performance of joint ventures during 1979, while below expectations, clearly revealed the potential for rapid expansion. In recognition of this probability and consistent with the provisions of Pub. L. 95-354, the plan provides an initial JVP amount of 25,000 mt of all species combined for the 1980 plan year (Nov. 1, 1979-Oct. 31, 1980). Should the performance of joint ventures fail to meet expectations or the demands of DAP exceed expectations, the JVP will be reduced accordingly. JVP surpluses not required in the DAH will be made available to the TALFF during the plan year."

Page 17313; Section 5.2.2.2; Tables 61-61-a; insert new Table 61; insert new Table 61-a

Page 17313; Section 6.1; 1st sentence: delete "... ten ..."; insert "... 11 ..."

Page 17313; Section 6.1; 4th sentence: delete "... nine ..." insert "... ten ..."

Page 17313; Section 6.1; 1st paragraph; 5th sentence: delete "tenth" insert "eleventh"

Page 17313; Section 6.1; paragraph 6: delete paragraph; insert the following: "Neither rattails nor idiot rockfish were considered in the development of OY for 'other Species.' Therefore, the creation of these new species categories does not require a downward adjustment in the OY for 'Other Species.'"

Page 17313; Section 6.1; last paragraph: insert parenthetical material as follows: "(*Sebastolobus* excepted)."

Page 17314; Section 7.0; 3rd paragraph; 3rd line: insert "." following "OY"; delete the remainder

Page 17315; Table 62: insert new Table 62

Page 17315; Table 63: insert new Table 63

Page 17316; Table 64: insert new Table 64

Page 17318; Section 8.3.2.1; 1st line: insert "(except *Sebastolobus*)" to follow "... species ..."

Page 17324; Section 8.5.1; 1st paragraph; 1st line: insert "A" in front of "Fishery ..."

Page 17325; Section 8.5.1: insert new section as follows: "(B) Processor Reports. All processors of groundfish, buyers of groundfish whose purchases enter non-processed fish markets, except fishermen buying for their own bait needs and persons delivering U.S. caught groundfish to foreign processor vessels shall report information required for periodic reassessment of DAP, DNP

Table 58.—The Derivation of Optimum Yield (OY) for Gulf of Alaska Groundfish Resources (1,000 Metric Tons)

	Western	Central	Eastern	Total
<b>Exploitable biomass:</b>				
Species:				
Pollock	357-713	535-1191	103-206	1055-2110
Pacific Cod	49-79	82-151	219-48	368-736
Flounders	220	346	206	772
Pacific Ocean Perch	(1)	(1)	(1)	(1)
Other Rockfish	(1)	(1)	(1)	(1)
Sablefish	(1)	(1)	(1)	(1)
Atka Mackerel				<sup>1</sup> (110)
Squid				
Rattail	(1)	(1)	(1)	(1)
Idiot Rockfish	(1)	(1)	(1)	(1)
<b>Maximum sustainable yield (MSY):</b>				
Species:				
Pollock				188-338
Pacific Cod				88-177
Flounders				67
Pacific Ocean Perch				125-150
Other Rockfish				7.6-10
Sablefish				22-25
Atka Mackerel				<sup>1</sup> (33)
Squid				5.0
Rattail	3.3	7.1	2.8	13.2
Idiot Rockfish				3.75
<b>Equilibrium yield (EY) when stock incapable of producing MSY:</b>				
Species:				
Pollock				NA
Pacific Cod				NA
Flounders				NA
Pacific Ocean Perch				50
Other Rockfish				NA
Sablefish				17.4-19.8
Atka Mackerel				NA
Squid				NA
Rattail				NA
Idiot Rockfish				NA
<b>Allowable biological catch (ABC):</b>				
Species:				
Pollock <sup>2</sup>	57.0	95.2	16.6	168.8
Pacific Cod <sup>2</sup>	16.5	33.5	10.0	60.0
Flounders <sup>2</sup>	20.8	30.6	16.6	67.0
Pacific Ocean Perch <sup>2</sup>	5.3	15.7	29.0	50.0
Other Rockfish <sup>2</sup>	0.3	0.6	6.5	7.6
Sablefish <sup>2</sup>	2.8	5.1	10.6	17.4
Atka Mackerel <sup>4</sup>	4.7	20.8	3.2	28.7
Squid <sup>5</sup>	1.0	2.0	2.0	5.0
Rattail <sup>6</sup>	3.3	7.1	2.8	13.2
Idiot Rockfish				3.75
Other Species	4.3	8.6	3.1	16.2
<b>Optimum yield (OY):</b>				
Species:				
Pollock	57.0	95.2	16.6	168.8
Pacific Cod	16.6	33.5	9.9	60.0
Flounders	10.4	14.7	8.4	33.5
Pacific Ocean Perch	2.7	7.9	14.4	25.0
Other Rockfish	0.3	0.8	6.5	7.6
Sablefish	2.1	3.8	7.1	13.0
Atka Mackerel	4.7	20.8	3.2	28.7
Squid	1.0	2.0	2.0	5.0
Rattail	3.3	7.1	2.8	13.2
Idiot Rockfish	(1)	(1)	(1)	3.75
Other Species	4.4	8.6	3.2	16.2
<b>Total</b>				
	102.4	194.4	74.2	374.75

<sup>1</sup>From unsubstantiated Soviet reports.

<sup>2</sup>Apportioned on basis of trawl survey data.

<sup>3</sup>Apportioned on basis of 1973-75 Japanese catch.

<sup>4</sup>Apportioned on basis of 1973-75 Soviet catch and 1978 Japanese catch.

<sup>5</sup>Apportioned equally to each INPFC area.

<sup>6</sup>Apportioned on basis of sablefish allocations.

<sup>7</sup>Unknown.

<sup>8</sup>OY apportioned Gulf-wide.

and JVP. The regulations implementing this plan specify the information to be reported and the time schedule for reporting.

Page 17326; Literature Cited section; sub-section 4.7: following 1st entry: insert: "Alton, M., S. Hughes, and G. Hirschhorn. 1977. Gulf of Alaska Pollock—its fisheries and resource potential. U.S. Dept. Commerce, Natl. Mar. Fish. Serv., Northwest Fish. Center, Seattle. Unpubl."

Page 17326; Literature cited section; sub-section 4.7: following "Chikuni" entry: insert: "Edwards, R.L. 1968. Fishery Resources of the North Atlantic Area. In The Future of the Fishery Industry of the United States, Univ. Wash. Publ. in Fish. New Ser. IV, p. 52-60."

Page 17326; Literature cited section; sub-section 4.7: following "INPFC" entry: insert: "Ketchen, K.S. 1964. Preliminary results of studies on growth and mortality of Pacific cod in Hecate Strait, British Columbia. J. Fish. Res. Board Can. 21: 1051-1067."

Table 61.—Expected Domestic Annual Harvest (DAH) of Groundfish

[From the Gulf of Alaska in Metric Tons]

Species	Metric tons
Pollock	21,310
Pacific Cod	10,000
Flounders	3,180
Pacific Ocean Perch	2,915
Other Rockfish	900
Sablefish	6,480
Atka Mackerel	1,440
Squid	150
Rattails	1,332
Idiot Rockfish ( <i>Sebastes</i> )	6
Other Species	1,560
<b>Total</b>	<b>49,273</b>

Table 61-a.—Revised DAH by Species by Area

[In metric tons]

Species and Area	Western	Central	Eastern	Total
Pollock	5,775	13,320	2,215	21,310
Pacific Cod	1,880	6,050	2,070	10,000
Flounders	700	1,120	1,360	3,180
Pacific Ocean Perch	345	1,255	1,315	2,915
Other Rockfish	75	250	575	900
Sablefish	270	1,220	4,990	6,480
Atka Mackerel	290	1,080	70	1,440
Squid	30	60	60	150
Rattails	33	33	1,266	1,332
Idiot Rockfish				6
Gulf-wide OY				6
Other Species	400	620	540	1,560

Table 62.—Gulf of Alaska TALFF

[1,000's mt]

Species	OY	Reserve	DAH	TALFF <sup>1</sup>
Pollock	168.8	33.76	21.31	113.73
Pacific Cod	60.0	12.0	10.0	38.00
Flounders	33.5	6.7	3.18	23.62
Pacific Ocean Perch	25.0	5.0	2.915	17.085

Table 62.—Gulf of Alaska TALFF—Continued

[1,000's mt]

Species	OY	Reserve	DAH	TALFF <sup>1</sup>
Other Rockfish	7.6	1.52	0.9	5.18
Sablefish	13.0	2.6	6.48	3.920
Atka Mackerel	28.7	5.74	2.07	20.89
Squid	5.0	1.0	0.15	3.85
Rattail	13.2	2.64	1.332	9.228
Idiot Rockfish: ( <i>Sebastes</i> )	3.75	0.75	0.006	2.994
Other Species	16.2	3.24	1.72	11.24
<b>Total</b>	<b>374.75</b>	<b>74.83</b>	<b>50.05</b>	<b>249.857</b>

<sup>1</sup> (Initial) TALFF: May be increased as reserve and/or DAH is apportioned during the fishing year.

Table 63.—Percentages of OY Apportioned to GOA Regulatory Areas

Species	Western	Central	Eastern	Total
Pollock	33.8	56.4	9.8	100
Pacific Cod	27.6	55.9	16.5	100
Flounders	31.0	44.0	25.0	100
Pacific Ocean Perch	10.8	31.4	57.8	100
Other Rockfish	4.0	11.0	86.0	100
Sablefish	16.0	29.0	55.0	100
Atka Mackerel	16.3	72.6	11.1	100
Squid	20.0	40.0	40.0	100
Rattail	25.0	54.0	21.0	100
Idiot Rockfish ( <i>Sebastes</i> )				100
Gulf-wide OY				100
Other Species	26.9	53.1	20.0	100

Table 64.—OY—DAH—DAP—DNP—JVP—Reserve—and TALFF by Area

(1000s Metric tons)

Species	Western	Central	Eastern	Total
<b>Pollock:</b>				
1. OY	57.0	95.2	16.6	168.8
2. DAH				21.31
3. DAP	0.025	5.38	0.695	
4. JVP	5.75	7.94	1.52	
5. Reserve	11.4	19.04	3.32	33.76
6. TALFF	39.925	62.84	11.065	113.73
<b>Pacific Cod:</b>				
1. OY	16.56	33.54	9.9	60.0
2. DAH				10.00
3. DAP	0.24	3.48	0.280	
4. DNP	0.60	1.200	1.200	
5. JVP	1.04	1.37	0.59	
6. Reserve	3.312	6.708	1.980	12.0
7. TALFF	11.368	20.782	5.850	38.0
<b>Flounders:</b>				
1. OY	10.4	14.7	8.4	33.5
2. DAH				3.18
3. DAP	0.1	0.3	0.9	
4. JVP	0.6	0.82	0.46	
5. Reserve	2.08	2.94	1.68	6.7
6. TALFF	7.62	10.64	5.36	23.62
<b>Pacific Ocean Perch:</b>				
1. OY	2.7	7.9	14.4	25.0
2. DAH				2.915
3. DAP	0.025	0.295	0.08	
4. JVP	0.32	0.96	1.235	
5. Reserve	0.54	1.58	2.88	5.0
6. TALFF	1.815	5.065	10.205	17.085
<b>Other Rockfish:</b>				
1. OY	0.3	0.8	6.5	7.6
2. DAH				0.9
3. DAP	0.045	0.200	0.455	
4. JVP	0.03	0.05	0.12	
5. Reserve	0.06	0.16	1.3	1.52
6. TALFF	0.165	0.39	4.625	5.18
<b>Sablefish:</b>				
1. OY	2.1	3.8	7.1	13.0
2. DAH				6.48
3. DAP	0.1	1.00	4.7	
4. JVP	0.17	0.22	0.29	
5. Reserve	0.42	0.76	1.42	2.6
6. TALFF	1.41	1.82	0.69	3.92

Table 64.—OY—DAH—DAP—DNP—JVP—Reserve—and TALFF by Area—Continued

(1000s Metric tons)

Species	Western	Central	Eastern	Total
<b>Atka Mackerel:</b>				
1. OY	4.678	20.836	3.186	28.7
2. DAH				2.07
3. DAP				
4. JVP	0.290	1.090	0.70	
5. Reserve	0.936	4.167	0.637	5.740
6. TALFF	3.452	15.599	1.849	20.900
<b>Squid:</b>				
1. OY	1.0	2.0	2.0	5.0
2. DAH				0.15
3. DAP				
4. JVP	0.03	0.06	0.06	
5. Reserve	0.2	0.4	0.4	1.0
6. TALFF	0.77	1.54	1.54	3.85
<b>Rattails:</b>				
1. OY	3.3	7.1	2.8	13.2
2. DAH				1.332
3. DAP	0.033	0.033	1.266	
4. JVP				
5. Reserve	0.68	1.42	0.56	2.64
6. TALFF	2.607	5.647	0.974	9.228
<b>Idiot Rockfish (<i>Sebastes</i>)</b>				
Gulf-wide OY				3.75
1. OY				0.006
2. DAH				
3. DAP				
4. JVP				
5. Reserve				0.75
6. TALFF				2.994
<b>Other Species:</b>				
1. OY	4.4	8.6	3.2	16.2
2. DAH				1.72
3. DAP	0.1	0.1	0.1	
4. DNP	0.2	0.2	0.4	
5. JVP	0.10	0.12	0.4	
6. Reserve	0.68	1.72	0.64	3.24
7. TALFF	3.12	6.46	1.66	11.24

<sup>1</sup> DNP estimate is based on longline and crab bait trends.

## PART 672—GROUND FISH OF THE GULF OF ALASKA

B. 50 CFR Part 672 is amended as follows:

1. Section 672.5 (Reporting Requirements) is amended by deleting the entire section and substituting a revised § 672.5 as follows:

### § 672.5 Reporting requirements.

(a) *Fishing vessel reporting requirements*—(1) *Port of Landing in Alaska*. The operator of any fishing vessel regulated under this Part whose port of landing is in the State of Alaska, shall, for each sale or delivery on land of groundfish caught in any Gulf of Alaska regulatory area, be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket.

(i) At the election of the vessel operator, the fish ticket required under this paragraph (a)(1) shall be either:

(A) Submitted by the vessel operator directly to the ADF&G within one week after such fish are sold or delivered; or (B) prepared, at the request of the operator, by the purchaser and submitted by the purchaser to ADF&G within one week after such fish are received by the purchaser. For the purposes of this paragraph (a), a



"purchaser" is any person who receives on land, from a fishing vessel regulated under this part, groundfish caught in any Gulf of Alaska regulatory area.

(ii) In addition to the requirements of paragraph (a)(1) of this section, each operator (or purchaser, if the fish ticket is submitted in accordance with paragraph (a)(1)(i)(B) of this section) shall accurately state on each fish ticket:

- (A) The quantity and types of gear used;
- (B) The total time fished with each gear type; and
- (C) The total number of hauls for each gear.

(2) *Port of Landing Outside Alaska.* The operator of any fishing vessel regulated under this part whose port of landing is outside the State of Alaska shall, for each sale or delivery of groundfish caught in any Gulf of Alaska regulatory area, submit a completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket, together with the additional information required by paragraph (a)(1)(ii) of this section, to the ADF&G within one week after the date of each such sale or delivery. The address to which these documents must be sent is: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.

(b) *Processor and purchaser reporting requirements.*—(1) Any U.S. fish processor or purchaser (i.e., any person who receives fish for a commercial purpose from a fishing vessel subject to this part), except: (i) Any fishermen purchasing fish for his own use as bait or (ii) any foreign fishing vessel permitted to receive U.S. harvested fish at sea, shall accurately complete each written survey authorized by this section and received by the processor or purchaser from the Regional Director.

(2) Surveys shall be conducted at those times considered necessary by the Regional Director, but at least twice, and no more than four times, during the fishing year.

(3) Each survey shall be designed to gather the following information:

- (i) Changes in processing plant capacity;
- (ii) Changes in the availability of groundfish by species;
- (iii) Changes in market demand;
- (iv) Changes in expected utilization of processing capacity or expected purchases of groundfish species for the subsequent 12-month period; and
- (v) Changes in other factors which the purchaser or processor believes relevant to the accurate determination of the amounts of domestic annual processing

(DAP) and domestic non-processed fish (DNP).

(4) Completed surveys shall be returned to the Regional Director at the address and by the date specified on the survey.

(c) *U.S. vessels delivering to foreign processing vessels.* (1) The owner or operator of any fishing vessel regulated by this section who has delivered, or intends to deliver, groundfish caught in any Gulf of Alaska regulatory area to a foreign fishing vessel at sea shall accurately complete each written survey authorized by this section and received by the owner or operator from the Regional Director.

(2) Surveys shall be conducted at those times considered necessary by the Regional Director, but at least twice, and no more than four times during the fishing year.

(3) Each survey shall be designed to gather the following information:

- (i) Changes in the number and capacity of U.S. vessels which harvest groundfish to be delivered to foreign fishing vessels at sea;
- (ii) Changes in regulatory areas of operation;
- (iii) Changes in capacity or operations of the foreign fishing vessel to which deliveries are being, or will be, made;
- (iv) Changes in quantities and species of groundfish expected to be delivered in the subsequent 12-month period;
- (v) Changes in alternative fishery opportunities available to the U.S. vessels; and
- (vi) Changes in other factors the owner or operator believes relevant to the accurate determination of the amount of joint venture processing (JVP).

(4) Completed surveys shall be returned to the Regional Director at the address and by the date specified on the survey.

2. Section 672.20 is amended by deleting paragraph (a) and substituting a revised paragraph (a), by revising Table I, and by deleting paragraph (c) in its entirety and substituting a revised paragraph (c) as follows:

#### § 672.20 Optimum yield.

(a) The specifications of optimum yield (OY), reserves, estimates of domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF) for species regulated under this Part in the three regulatory areas are set forth in Table I. These specifications are effective for a fishing year beginning on November 1, 1979, and ending on October 31, 1980. When the combined catch by foreign and United States

vessels reaches the OY amount for a species, further fishing which involves the catching of that species will be prohibited in the applicable regulatory area(s) for the remainder of the fishing year.

Table I.—OY—DAH—DAP—DNP—JVP—Reserve—and TALFF by Regulatory Area <sup>1</sup>

[1000's mt]				
Species	Western	Central	Eastern	Total
<b>Pollock:</b>				
1. OY.....	57.0	95.2	16.6	168.8
2. DAH.....				21.31
3. DAP.....	0.025	5.38	0.695	
4. JVP.....	5.75	7.94	1.52	
5. Reserve.....	11.4	19.04	3.32	33.76
6. TALFF.....	39.925	62.84	11.065	113.73
<b>Pacific Cod:</b>				
1. OY.....	16.56	33.54	9.9	60.0
2. DAH.....				10.00
3. DAP.....	0.24	3.48	0.280	
4. DNP.....	0.60	1.20	1.200	
5. JVP.....	1.04	1.37	0.53	
6. Reserve.....	3.312	6.708	1.980	12.0
7. TALFF.....	11.368	20.782	5.850	38.0
<b>Flounders:</b>				
1. OY.....	10.4	14.7	8.4	33.5
2. DAH.....				3.18
3. DAP.....	0.1	0.3	0.9	
4. JVP.....	0.6	0.82	0.46	
5. Reserve.....	2.08	2.94	1.68	6.7
6. TALFF.....	7.62	10.64	5.36	23.62
<b>Pacific Ocean Perch:</b>				
1. OY.....	2.7	7.9	14.4	25.0
2. DAH.....				2.915
3. DAP.....	0.025	0.295	0.08	
4. JVP.....	0.32	0.96	1.235	
5. Reserve.....	0.54	1.58	2.88	5.0
6. TALFF.....	1.815	5.065	10.205	17.085
<b>Other Rockfish:</b>				
1. OY.....	0.3	0.8	6.5	7.6
2. DAH.....				0.9
3. DAP.....	0.045	0.2000	0.455	
4. JVP.....	0.03	0.05	0.12	
5. Reserve.....	0.6	0.16	1.3	1.52
6. TALFF.....	1.65	0.39	4.625	5.18
<b>Sablefish:</b>				
1. OY.....	2.1	3.8	7.1	13.0
2. DAH.....				6.48
3. DAP.....	0.1	1.00	4.7	
4. JVP.....	0.17	0.22	0.29	
5. Reserve.....	0.42	0.76	1.42	2.6
6. TALFF.....	1.41	1.82	0.69	3.92
<b>Alaska Macrurus:</b>				
1. OY.....	4.678	20.836	3.186	28.7
2. DAH.....				2.07
3. DAP.....				
4. JVP.....	0.290	1.060	0.70	
5. Reserve.....	0.936	4.167	0.637	5.740
6. TALFF.....	3.452	15.589	1.849	20.890
<b>Squid:</b>				
1. OY.....	1.0	2.0	2.0	5.0
2. DAH.....				0.15
3. DAP.....				
4. JVP.....	0.03	0.06	0.06	
5. Reserve.....	0.2	0.4	10.4	1.0
6. TALFF.....	0.77	1.54	1.54	3.85
<b>Flatfish:</b>				
1. OY.....	3.3	7.1	2.8	13.2
2. DAH.....				1.332
3. DAP.....	0.033	0.033	1.266	
4. JVP.....				
5. Reserve.....	0.66	1.42	0.56	2.64
6. TALFF.....	2.607	5.647	0.974	9.228
<b>Kodi Rockfish (Sebastes) Gulf-wide OY:</b>				
1. OY.....				3.75
2. DAH.....				0.006
3. DAP.....				
4. JVP.....				
5. Reserve.....				0.75
6. TALFF.....				2.994
<b>Other Species:</b>				
1. OY.....	4.4	8.6	3.2	16.2
2. DAH.....				1.72
3. DAP.....	0.1	0.1	0.1	
4. DNP.....	0.2	0.2	0.4	
5. JVP.....	0.10	0.12	0.4	
6. Reserve.....	0.88	1.72	0.64	3.24
7. TALFF.....	3.12	6.48	1.66	11.24

<sup>1</sup> See § 672.5 for a description of regulatory areas.

<sup>2</sup> The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleuticus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

<sup>3</sup> The category "other rockfish" includes all fish of the genus *Sebastes* except the categories "Pacific ocean perch" and "Idiot Rockfish" as defined above.

<sup>4</sup> The category "other species" includes all stocks of finfish except (A) the other fish listed in the table, and (B) salmon, steelhead trout and Pacific halibut.

(b) \* \* \*

**(c) Apportionment to TALFF of Reserves and Initial DAH—(1)**

**Apportionment of Reserves.** As soon as practicable after each of the following dates, and on such other dates as he determines necessary, the Regional Director shall apportion to TALFF any portion of the reserve amount set forth in Table I which he determines to be appropriate in accordance with paragraph (c)(3) of this section: January 2, March 2, May 2 and July 2.

**(2) Apportionment of Initial DAH.** As soon as practicable after each of the following dates, and on such other dates as he determines necessary, the Regional Director shall reassess each DAH amount set forth in Table I and apportion to TALFF such parts thereof as he determines to be appropriate in accordance with paragraph (c)(3) of this section: May 2 and July 2.

**(3) Standards and Procedure for Apportionment—(i) General.** The Regional Director shall apportion under paragraphs (c)(1) and (c)(2) of this section only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Regional Director, either be apportioned to the estimate of domestic annual harvest (DAH), or retained in the reserve as eligible for later apportionment under paragraph (c) of this section.

**(ii) Factors.** In determining whether or not amounts proposed to be apportioned under paragraphs (c)(1) and (c)(2) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(A) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(B) Projected United States catch and effort by species and area for the remainder of the fishing year;

(C) Amounts of fish, particularly United States harvested fish, already

purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(D) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year;

(E) Amounts of United States harvested fish already received or processed by foreign fishing vessels, compared to previously projected levels of such receipt or processing; and

(F) The need to maintain orderly fisheries despite any mis-specifications of by-catch species amounts in mixed species fisheries.

**(iii) Allocation of Increases and Decreases in DAH Among DAP, JVP, and DNP.** The Regional Director shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (c)(1) and (c)(2) of this section among the three components of DAH: The estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

**(iv) Public Comment.** (A) Comments may be submitted to the Regional Director concerning:

(1) Whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(2) Whether, and the extent to which, United States harvested groundfish can or will be processed by United States fish processors or received at sea by foreign fishing vessels.

(3) Comments should be addressed to Director, Alaska Region, NMFS., P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 15 days before the relevant date specified in paragraph (c)(1) or (c)(2) of this section. When the Regional Director determines that apportionment is required on dates other than those specified in paragraph (c)(1) of this section, he shall issue a Federal Register notice on the proposed apportionment which shall state the period during which comments may be submitted.

(B) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether, and to what extent, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (c)(1) and (c)(2) of this section.

(C) The Regional Director shall compile, in aggregate form, the most recent available reports on (1) level of catch and effort by vessels of the United States fishing for groundfish in the Gulf of Alaska; and (2) amounts of United States harvested groundfish taken in the Gulf of Alaska and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.-4:30 p.m., Monday-Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

**(v) Procedure.** As soon as practicable after each of the dates specified in, and each additional date selected under paragraph (c)(1) or (c)(2) of this section, the Regional Director shall publish in the Federal Register:

(A) Any reserve amounts to be apportioned to TALFF or DAH;

(B) Any DAH amounts to be apportioned to TALFF;

(C) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(D) The reasons for any apportionments and their distribution; and

(E) Responses to any comments received.

**PART 611—FOREIGN FISHING**

C. 50 CFR Part 611 is amended as follows:

**§ 611.20 [Amended]**

1. 50 CFR 611.20, Table I is amended by (a) deleting all the lines between the heading "Gulf of Alaska Groundfish" and the heading "Bering Sea and Aleutian Islands"; (b) by revising the line beginning "Gulf of Alaska \* \* \*" to read: "Gulf of Alaska Groundfish \*"; and (c) by revising footnote 4 to read: "For the Gulf of Alaska Groundfish TALFF's, see 50 CFR 611.92".

**§ 611.92 [Amended]**

2. 50 CFR 611.92(a)(3) is revised to read as follows:

(a) \* \* \*

(3) The specifications of total allowable levels of foreign fishing (TALFF's) are effective for a fishing year beginning on November 1, 1979 and ending on October 31, 1980.

\* \* \* \* \*

**§ 611.92 [Amended]**

3. 50 CFR 611.92(b)(1) is revised to read as follows:

\* \* \* \* \*

(b) *Authorized fishery*—(1) *OY's, TALFF's and reserves.* (i) The

specifications of optimum yield (OY), estimates of domestic annual harvest (DAH), domestic annual processing

(DAP), joint venture processing (JVP), and TALFF's and reserves in each

regulatory area are set forth in Table I of this section.

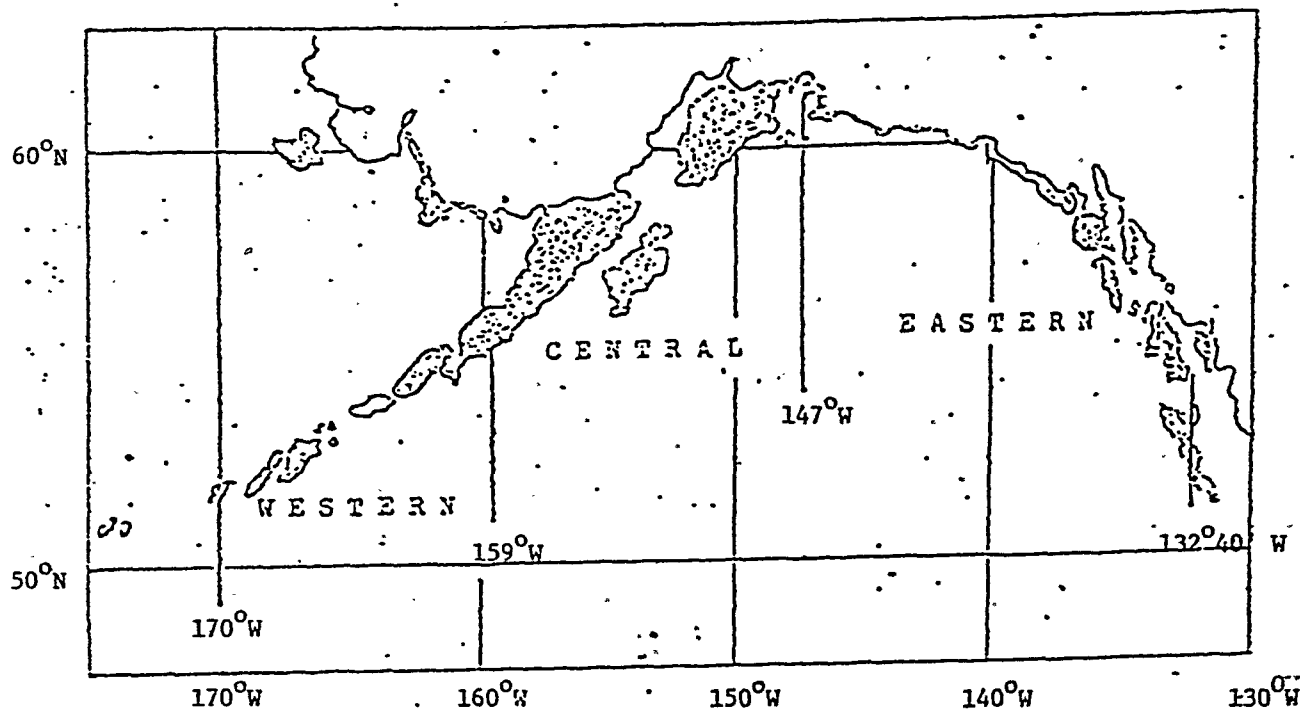


Figure 1. Regulatory Areas of the Gulf of Alaska

Table I.—OY—DAH—DAP—DNP—JVP—Reserve—and TALFF by Regulatory Area<sup>1</sup>

[1000's mt]				
Species	Western	Central	Eastern	Total
<b>Pollock</b>				
1. OY	57.0	95.2	16.6	168.8
2. DAH				21.31
3. ... DAP	0.025	5.38	0.695	
4. ... JVP	5.75	7.94	1.52	
5. Reserve	11.4	19.04	3.32	33.76
6. TALFF	39.925	62.84	11.065	113.73
<b>Pacific Cod</b>				
1. OY	16.56	33.54	9.9	60.0
2. DAH				10.00
3. ... DAP	0.24	3.48	0.280	
4. ... DNP	0.60	1.200	1.200	
5. ... JVP	1.04	1.37	0.59	
6. Reserve	3.312	6.708	1.980	12.0
7. TALFF	11.368	20.782	5.850	38.0
<b>Flounders</b>				
1. OY	10.4	14.7	8.4	33.5
2. DAH				3.18
3. ... DAP	0.1	0.3	0.9	
4. ... JVP	0.6	0.82	0.46	
5. Reserve	2.08	2.94	1.68	6.7
6. TALFF	7.62	10.64	5.36	23.62
<b>Pacific Ocean Perch</b>				
1. OY	2.7	7.9	14.4	25.0
2. DAH				2.915
3. ... DAP	0.025	0.295	0.08	
4. ... JVP	0.32	0.96	1.235	
5. Reserve	0.54	1.58	2.88	5.0
6. TALFF	1.815	5.065	10.205	17.085
<b>Other Rockfish</b>				
1. OY	0.3	0.8	6.5	7.6
2. DAH				0.9
3. ... DAP	0.045	0.2000	0.455	
4. ... JVP	0.03	0.05	0.12	
5. Reserve	.06	0.16	1.3	1.52
6. TALFF	.165	0.39	4.625	5.18
<b>Sablefish</b>				
1. OY	2.1	3.8	7.1	13.0
2. DAH				6.48

Table I.—OY—DAH—DAP—DNP—JVP—Reserve—and TALFF by Regulatory Area<sup>1</sup>—Continued

[1000's mt]				
Species	Western	Central	Eastern	Total
<b>Atka Mackerel</b>				
1. OY	4.678	20.836	3.186	28.7
2. DAH				2.07
3. ... DAP	0	0	0	
4. ... JVP	0.290	1.080	0.70	
5. Reserve	0.936	4.167	0.637	5.740
6. TALFF	3.452	15.589	1.849	20.890
<b>Squid</b>				
1. OY	1.0	2.0	2.0	5.0
2. DAH				0.15
3. ... DAP	0	0	0	
4. ... JVP	0.03	0.06	0.06	
5. Reserve	0.2	0.4	0.4	1.0
6. TALFF	0.77	1.54	1.54	3.85
<b>Rattails</b>				
1. OY	3.3	7.1	2.8	13.2
2. DAH				1.332
3. ... DAP	0.033	0.033	1.266	
4. ... JVP	0	0	0	
5. Reserve	0.66	1.42	0.58	2.64
6. TALFF	2.607	5.647	0.974	9.228
<b>Idiot Rockfish (Sebastes), Gulf-wide OY:</b>				
1. OY				3.75
2. DAH				0.006
3. ... DAP				
4. ... JVP				
5. Reserve				0.75
6. TALFF				2.994
<b>Other Species</b>				
1. OY	4.4	8.6	3.2	16.2
2. DAH				1.72
3. ... DAP	0.1	0.1	0.1	
4. ... DNP	0.2	0.2	0.4	
5. ... JVP	0.10	0.12	0.4	
6. Reserve	0.88	1.72	0.64	3.24
7. TALFF	3.12	6.46	1.66	11.24

<sup>1</sup>See Figure 1 of this section 611.92(a) for description of regulatory areas.

<sup>2</sup>The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polycarpus* (northern rockfish), *S. aleuticus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

<sup>3</sup>The category "other rockfish" includes all fish of the genus *Sebastes* except the categories "Pacific ocean perch" and "Idiot Rockfish" as defined above.

<sup>4</sup>The category "other species" includes all stocks of fish except (A) the other fish listed in the table, and (B) shrimp, scallops, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

(ii) **Apportionment to TALFF of Reserves and Initial DAH—(A) Apportionment of Reserves.** As soon as practicable after each of the following dates, and on such other dates as he determines necessary, the Regional Director shall apportion to TALFF any portion of the reserve amount set forth in Table I which he determines to be appropriate in accordance with paragraph (b)(1)(ii)(C) of this section: January 2, March 2, May 2, and July 2.

(B) **Apportionment of Initial DAH.** As soon as practicable after each of the following dates, and on such other dates as he determines necessary, the Regional Director shall reassess each DAH amount set forth in Table I and apportion to TALFF such parts thereof as he determines to be appropriate in accordance with paragraph (b)(1)(ii)(C) of this section: May 2 and July 2.

(C) *Standards and Procedure for Apportionment—(1) General.* The Regional Director shall apportion under paragraphs (b)(1)(ii)(A) and (B) of this section only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Regional Director, either be apportioned to the estimate of domestic annual harvest (DAH), or retained in the reserve as eligible for later apportionment under paragraph (b)(1)(ii) of this section.

(2) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(1)(ii)(A) and (B) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(a) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(b) Projected United States catch and effort by species and area for the remainder of the fishing year;

(c) Amounts of fish, particularly United States harvested fish, already purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(d) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year;

(e) Amounts of United States harvested fish already purchased or received by foreign fishing vessels, compared to previously projected levels of such purchase or receipt; and

(f) The need to maintain orderly fisheries despite any mis-specification of by-catch species amounts in mixed species fisheries.

(3) *Allocation of Increases and Decreases in DAH among DAP, JVP, and DNP.* The Regional Director shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(1)(ii)(A) and (B) of this section among the three components of DAH: The estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

(4) *Public Comment.* (a) Comments may be submitted to the Regional Director concerning: whether, and the

extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and whether, and the extent to which, United States harvested groundfish can or will be processed by United States fish processors or by foreign fishing vessels. Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 15 days before the relevant date specified in paragraph (b)(1)(ii)(A) of this section. When the Regional Director determines that apportionment is required on dates other than those specified in paragraph (b)(1)(ii)(A) or (B) he shall issue a Federal Register notice on the proposed apportionment which shall state the period during which comments may be submitted.

(b) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether and to what extent vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(1)(ii)(A) and (B) of this section.

(c) The Regional Director shall compile, in aggregate form, the most recent available reports on: level of catch and effort by vessels of the United States fishing for groundfish in the Gulf of Alaska; and amounts of United States harvested groundfish taken in the Gulf of Alaska and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.-4:30 p.m., Monday-Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(5) *Procedure.* As soon as practicable after each of the dates specified in, and each additional apportionment date selected under paragraph (b) (1) (ii) (A) or (B) of this section, the Regional Director shall publish in the Federal Register

(a) Any reserve amounts to be apportioned to TALFF or DAH;

(b) Any DAH amounts to be apportioned to TALFF;

(c) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(d) The reasons for any apportionments and their distribution; and

(e) Responses to any comments received.

(2) Fishing Permitted. \* \* \* \*

#### § 611.92 [Amended]

4. 50 CFR. 611.92(b)(2)(i) is amended by adding a new paragraph (b)(2)(i)(D) to read as follows:

\* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) \* \* \*

(D) A notice of closure issued pursuant to paragraph (b)(2) of this section shall not apply to any receipt or processing by foreign vessels of United States harvested fish authorized by a permit issued by the Department of Commerce under the Act. Receipt of U.S. harvested fish and the conduct of other operations in support of U.S. vessels by foreign fishing vessels in any Gulf of Alaska regulatory area may continue until specifically prohibited under the procedures prescribed in the applicable permit.

\* \* \* \*

#### § 611.92 [Amended]

5. 50 CFR 611.92(c) is amended by adding a "(1)" between "areas." and "Except"; and by adding a new paragraph (c)(2) as follows:

\* \* \* \*

(c) \* \* \*

(2) In addition to the areas in which foreign fishing is permitted under paragraphs (c) and (d) of this section, foreign vessels holding Department of Commerce permits to receive United States harvested fish at sea may also receive only United States harvested fish or conduct other operations in support of U.S. vessels in areas where foreign fishing is prohibited if: (i) That area is beyond three nautical miles from the baseline used to measure the U.S. territorial sea; (ii) receipt of the U.S. harvested fish or conduct of such support operations by the foreign vessel is in an area and during a time when fishing by U.S. vessels being supported is permitted under 50 CFR Part 672; and (iii) receipt by the foreign vessel or conduct of such support operation in that area is not prohibited by the terms and conditions of that vessel's permit to receive U.S. harvested fish.

\* \* \* \*

#### § 611.9 [Amended]

6. 50 CFR 611.9, Appendix IB, Species Codes—Pacific Ocean Fishes, under

"Finfishes" add: "749 . . . Idiot Rockfish . . . *Sebastolobus spp.*"

[FR Doc. 79-34399 Filed 11-2-79; 2:44 pm]

BILLING CODE 3510-22-M

## 50 CFR Parts 611 and 672

### Groundfish of the Gulf of Alaska Approval of Amendment to Fishery Management Plan

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA)/Commerce.

**ACTION:** Approval of amendment to the fishery management plan for Gulf of Alaska groundfish.

**SUMMARY:** An amendment to the fishery management plan for groundfish of the Gulf of Alaska (FMP) is approved. This amendment corrects oversights, minor errors, and inconsistencies in the FMP. **EFFECTIVE DATE:** November 2, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586-7221.

**SUPPLEMENTARY INFORMATION:** On October 5, 1979, the Assistant Administrator for Fisheries approved an amendment to the FMP for groundfish of the Gulf of Alaska which corrected errors, inconsistencies and other errata which had accumulated in that Plan. No changes are necessary in the implementing regulations.

Signed this 2nd day of November, 1979 in Washington, D.C.

Authority: 16 U.S.C. 1801 *et seq.*

Winfred H. Meibohm,  
Executive Director, National Marine  
Fisheries Service.

The Fishery Management Plan for the Gulf of Alaska Groundfish which was published on April 21, 1978 (43 FR 17242) is amended as follows:

(All changes are made in sequential order by FR page and section)

Page 17245 (Summary), line 3, change figure to 343,900; line 13, change figure to 18,100; following numeral "4.", change "statistical" to "regulatory".

Page 17246 (Table of Contents), change "Other Species" listed under 4.7.9 to "Squid"; add "4.7.10 Rattails, Grenadiers (genus *Coryphaenoides*)"; add "4.7.11 Other Species"; in list of tables, add "61-a, Revised DAH by Species by Area".

Page 17247 (Sec. 2.2 (2); add "c. Expected Annual Domestic Processing and Intent (DAP) includes an estimation by processors of the amount they intend to process in any given year."

Page 17255 (Sec. 3.3), add last paragraph to read: "In 1978, Public Law 94-265 (Fishery Conservation and Management Act) was enacted. The Act extended jurisdiction over fisheries resources and established a program for their management within the Fishery Conservation Zone (3-200 nautical miles). The Act was amended in 1978 by P.L. 95-354."

Page 17257 (Sec. 3.3.1.1), 1st paragraph, last sentence, delete and change to read: "The most substantive regulations on groundfish fishing in the Gulf of Alaska are for sablefish in the Southeastern area, where a catch quota, area restrictions and time restrictions are in effect."

Page 17308 (Table 58), add footnote: "Appportioned on basis of sablefish allocations."

Page 17313 (Table 61), delete table, insert new Table 61.

Page 17313 (Table 61-a), in Species column add "Rattail"; in area columns insert . . . "0.33" . . . "0.33" . . . "1,266" . . . "1,332".

Page 17313 (Sec. 6.1), sentence, change "nine" to "ten"; 6th sentence, change "ninth" to "tenth".

Page 17313 (Sec. 6.1), add paragraph 6 to read: "Rattails were not considered in developing the OY for 'Other species.' Therefore, the creation of this new species category does not require a downward adjustment of the OY for 'Other species.'"

Page 17314 (Sec. 7.0), in Joint Venture Reserve table, in Species column, insert "Rattail" to follow Atka mackerel; in amount column, insert "-0-".

Page 17315 (Table 63), in Species column, add "Rattail"; in area columns, insert . . . "25.0" . . . "54.0" . . . "21.0" . . . "100".

Page 17317 (Sec. 8.3.1.1 (D)(2), change date to: "December 1-May 31".

Page 17317 (Sec. 8.3.1.1 (E), change "(E)" to "(D)".

(To be inserted on FR page 17313.)

Table 61.—Expected Domestic Annual Harvest (DAH) of Groundfish From the Gulf of Alaska in Metric Tons

Species	Metric tons
Pollock	6,100
Cod	4,000
Flounders	1,300
Pacific Ocean Perch	400
Other Rockfishes	700
Sablefish	4,000
Atka Mackerel	0
Squid	0
Rattails	1,332
Other species	300
Total	18,132

[FR Doc. 79-34462 Filed 11-6-79; 8:45 am]

BILLING CODE 3510-22-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

### National Flood Insurance Program; Final Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

**ADDRESS:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii Call Toll Free (800) 424-9080) Room 5148, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

## Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in foot above ground, *Elevation in feet (NGVD)	
Connecticut	Enfield (Town), Hartford County (Docket No. FI-5328).	Connecticut River	Conrail Bridge (near mouth)—150 feet upstream from centerline	*38	
			State Route 190 at centerline	*51	
		Freshwater Brook	Conrail Bridge (near mouth)—150 feet upstream from centerline	*59	
			Freshwater Pond Dam—75 feet downstream from centerline	*93	
			10 feet upstream from centerline	*105	
			Interstate 91 Bridge—100 feet upstream from centerline	*115	
			Elm Street Bridge—150 feet downstream from centerline	*121	
			75 feet upstream from centerline	*130	
			Shaker Road Bridge—10 feet upstream from centerline	*164	
			Lake Drive—50 feet upstream from centerline	*193	
			Beeman's Brook	Parson Road Bridge—65 feet upstream from centerline	*41
				Orlando Road Bridge 100 feet upstream from centerline	*87
		Buckhorn Brook	Old King Street Bridge—10 feet upstream from centerline	*100	
			Abbe Road Bridge—75 feet upstream from centerline	*85	
		Grape Brook	Town Farm Road Bridge—100 feet downstream from centerline	*102	
			Town Farm Road Bridge—75 feet upstream from centerline	*109	
			Enfield Street Bridge—50 feet upstream from centerline	*70	
			Interstate 91 Bridge—150 feet upstream from centerline	*85	
			Tanglewood Lane Bridge—100 feet downstream from centerline	*114	
		Jawbuck Brook	Tanglewood Lane Bridge—10 feet upstream from centerline	*120	
			Betty Road Bridge—at centerline	*142	
			Shaker Road Bridge—10 feet upstream from centerline	*137	
			Maple Street Bridge—10 feet upstream from centerline	*175	
			Shaker Pond Dam—10 feet upstream from centerline	*185	
		Waterworks Brook	Conrail Bridge—at centerline	*54	
			Enfield Street Bridge—65 feet downstream from centerline	*71	
			Enfield Street Bridge—10 feet upstream from centerline	*87	
			Bright Meadow Boulevard Bridge—at centerline	*91	
			Pinedale Road—50 feet downstream from centerline	*115	
		Tributary A	Pinedale Road—10 feet upstream from centerline	*120	
			At confluence with Freshwater Brook	*161	
Maps are available at: Town Hall, 820 Enfield Street, Enfield, Connecticut.					
Connecticut	Town of Middlefield, Middlesex County (Docket No. FI 5340).	Coginchaug River	About 500 feet downstream of State Route 157	*65	
			Just upstream of State Route 157	*70	
			About 1,300 feet upstream of State Route 157	*73	
			About 200 feet downstream of the dam at Rogers Corporation	*80	
			Just upstream of the dam at Rogers Corporation	*84	
			About 1,000 feet upstream of the dam at Rogers Corporation	*85	
			Just downstream of the dam at Power Hold Products	*94	
			Just upstream of the dam at Power Hold Products	*100	
			Just downstream of Wadsworth Falls	*108	
			Just upstream of Wadsworth Falls	*131	
			Just downstream of the dam at Cherry Hill Road	*134	
			Just upstream of the dam at Cherry Hill Road	*145	
			Just upstream of Cider Mill Road	*140	
			About 200 feet upstream of the Conrail	*152	
			At confluence of Ellen Doyle Brook	*162	
		Ellen Doyle Brook	About 0.41 mile upstream of Durham Road	*152	
			About 500 feet upstream of Strickland Road	*152	
			Just upstream of State Route 157	*102	
			Just upstream of State Route 147	*176	
			About 350 feet upstream of Conrail	*184	
			Just upstream of dam (about 500 feet upstream of Conrail)	*189	
		About 900 feet downstream of dam at Lyman Factory	About 175 feet downstream of dam at Lyman Factory	*204	
			Just upstream of dam at Lyman Factory	*224	
			Just downstream of dam near intersection of State Route 147 and Powder Hill Road	*254	
			Just upstream of dam near intersection of State Route 147 and Powder Hill Road	*277	
			Just downstream of Besock Lake Dam	*283	
		Maps available at: Town Hall, Jackson Hill Road, P.O. Box 179, Middlefield, Connecticut 06455.			
Connecticut	Town of Southbury, New Haven County (Docket No. FI-5540).	Housatonic River	Downstream corporate limits	*109	
			Just downstream Shepaug Dam	*109	
		Pomperaug River	Just downstream of River Road	*109	
			About 1.2 miles downstream of Dam	*130	
			Just downstream of Dam	*143	
			Just upstream of Dam	*153	
			Just downstream of Flood Bridge Road	*170	
			About 0.23 mile upstream of Flood Bridge Road	*175	
			Just upstream of Poverty Road	*185	
			Just upstream of Route 67	*195	
			Upstream corporate limits	*208	
Maps available at: Town Hall, 360 Main Street, Southbury, Connecticut 06488.					

## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Town of St. Lucie Village, St. Lucie County (FI-5569).	Indian River	Intersection of Torpey Road and Hagan Drive	*7
			Intersection of Yacht Lane and North In-San River Drive	*7
	Maps available at: Town Hall, 2709 Old Dixie Highway, St. Lucie Village, Florida 33460.			
Illinois	Village of Brooklyn, St. Clair County (Docket No. FI-4843).	Rainfall Ponding Within the Community.	At the intersection of the eastern and northern corporate limit	*409
			Corner of Monroe Street and Fifth Street	*411
			400 feet north of the crossing of the Norfolk and Western Railway and the Illinois Terminal Railroad.	*411
			600 feet north northwest of intersection of Madison Street and Second Street	*411
			400 feet north and 400 feet east of the levee at the southern corporate limit	*420
		Mississippi River	1,000 feet south of northern corporate limit and 400 feet east of levee	*420
			Downstream corporate limit	*429
			Upstream corporate limit	*430
	Maps available at: Brooklyn Village Hall, 310 South 5th Street, Lovejoy, Illinois 60059.			
Illinois	(C) Calumet City, Cook County (Docket No. FI-5332).	Little Calumet River	Corporate Limits	*598
			Conrail	*599
			Burnham Avenue	*599
			Wentworth Avenue	*599
			2,400 feet upstream of Wentworth Avenue (corporate limits)	*599
		Grand Calumet River	Calumet/Burnham corporate limits	*581
			Chessco System	*581
			1,600 feet upstream of the Chessco System	*582
			200 feet upstream of the Indiana Harbor Railroad	*582
	Maps available at: City Hall, 204 Pulaski Road, Calumet City, Illinois 60409.			
Illinois	Village of Fairmont City, St. Clair County (Docket No. FI-5543).	Local Runoff and Ponding	Area beginning about 600 feet North of the intersection of Kings Highway (Route 111) and Maryland Avenue; East of said intersection approximately 1,400 feet; South of said intersection along Kings Highway (Route 111) about 3,270 feet; West of intersection about 1,500 feet.	*421
			Area located in the extreme Southeastern section of the Village of Fairmont City, South of the Tailing Pond.	*421
			Area located North of the Township of East St. Louis; South of Fairmont Avenue (Route 40) and Railroad Avenue; West of 31st Street.	*417
	Maps available at: Village Hall, 2601 North 41st Street, Fairmont City, Illinois 62201.			
Illinois	Village of Mettawa, Lake County (Docket No. FI-5544).	Des Plaines River	Downstream corporate limits	*650
			Just upstream of State Highway 60	*651
			Upstream corporate limits near Libertyville	*653
	Maps available at: Village Hall, 850 River Woods Road, P.O. Box 647, Lake Forest, Illinois 60045.			
Indiana	Brownsburg (Town), Hendricks County (Docket No. FI-5581).	White Lick Creek	Downstream Corporate Limits	*847
			County Road 500 North	*850
			Downstream of U.S. Route 136 (Main Street)	*859
			Upstream of Conrail	*863
			Upstream of Stonetree Drive	*869
	Maps are available at: The Brownsburg Town Hall, East Main Street, Brownsburg, Indiana.			
Indiana	Georgetown (T), Floyd County (Docket No. FI-5150).	Georgetown Creek	Downstream corporate limits	*684
			Just upstream of Main Street	*688
			Just downstream of Georgetown-Lanesville Road	*694
			Just upstream of Wal's Road	*708
			Just upstream of Baylor-Wissman Road	*728
			About 1,500 feet upstream from Baylor-Wissman Road	*736
	Maps available at: Town Hall, Georgetown, Indiana 47122.			
Kentucky	Melbourne (City) Campbell County (Docket No. FI-5306).	Ohio River	At the intersection of State Route 8 and Melbourne Avenue	*503
		Four Mile Creek	At upstream corporate limits	*502
	Maps are available at: City Office Building, Melbourne, Kentucky.			
Kentucky	City of Murray, Calloway County (FI-5582).	Clarks River	Just downstream of Main Street (Highway 94)	*466
			Just downstream of Old Concord Road	*468
		Tributary 1 to Clarks River	Just upstream of South Second Street	*480
			Just upstream of South Fourth Street	*485
		Bee Creek	Just upstream of the eastern corporate limits	*464
			Just upstream of North Fourth Street	*468
		Tributary to Bee Creek	Just upstream of the confluence with Bee Creek	*478
			Just downstream of U.S. Highway 641 (North 12th Street)	*480
		Tributary to Middle Fork Clark's Creek	Just upstream of U.S. Highway 641 (South 12th Street)	*496
			Just upstream of Meadow Lane	*509
	Maps available at: City Planner's Office, City Hall, Fifth and Poplar Streets, Murray, Kentucky 42071.			

## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Louisiana	Town of Greensburg, St. Helena Parish (FI-5561).	Joseph Branch	Just upstream of Highway 43	*185
			Just downstream of Highway 10	*180
		Ward Line Canal	Approximately 400 feet downstream of Highway 37	*190
			Approximately 150 feet downstream of Lindsey St.	*107
			Approximately 100 feet downstream of Silman St.	*181
Maps available at: Town Hall, Greensburg, Louisiana 70441.				
Maine	Augusta (City), Kennebec County (Docket No. FI-5547).	Kennebec River	Downstream Corporate Limits	*32
			Memorial Bridge	*34
			Upstream Maine Central Railroad Bridge	*38
			Confluence of Riggs Brook	*39
			Upstream Corporate Limits	*44
		Bond Brook	Confluence with Kennebec River	*38
			Mount Vernon Avenue	*39
			Dunn's Pit Road	*81
			U.S. Route 95	*108
			Leighton Road	*114
Maps available at: The Office of the City Engineer, Augusta, Maine.				
Maine	Town of West Gardiner, Kennebec County (Docket No. FI-5549).	Cobbosseecontee Stream	Eastern corporate limit	*139
			Just upstream of Interstate 95	*139
			Just upstream of Pond Road	*140
			Upstream side of Dennis Hill Road	*141
			Upstream side of State Routes 9 and 126	*142
			Upstream side of Collins Mill Road	*143
			Upstream side of Collins Mill Dam	*151
			5,000 feet upstream of Collins Mill Dam	*155
			5,450 feet upstream of Collins Mill Dam	*160
			At confluence with Hutchinson Pond Outlet Brook	*163
		Cobbosseecontee Lake	West Gardiner shoreline	*170
Maps available at: Town Office, West Gardiner, Maine 04345.				
Michigan	Township of Menominee, Menominee County (Docket No. FI-3838).	Menominee County	Riverbank at downstream corporate limits	
			Riverbank at upstream corporate limits	
		Green Bay	Shoreline	*611
				*615
				*584
Maps available at: Township Hall, Menominee, Michigan.				
Minnesota	(C) Royalton, Morrison County (Docket No. FI-5573).	Platte River	Downstream corporate limits	*1,074
			Just downstream of Center Street	*1,070
			Just upstream of Center Street	*1,077
			Upstream corporate limits	*1,080
Maps available at: City Hall, Royalton, Minnesota 56373.				
Missouri	Hazelwood (C), St. Louis County (Docket No. FI-4532).	Coldwater Creek	North corporate limits	*518
			Dunn Road	*517
			Interstate 270	*518
			Wabash Railroad	*521
			South corporate limits	*522
		Lynnhaven/Elm-Grove Creek	Confluence with Coldwater Creek	*517
			950 feet downstream of Lindbergh Boulevard	*517
			Lindbergh Boulevard	*519
Maps available at: The City Hall, 7900 North Lindbergh, Hazelwood, Missouri 63042.				
Nebraska	Cambridge (C), Furnas County (Docket No. FI-5105).	Republican River	About 0.91 mile downstream of State Highway 47	*2,255
			Just downstream of State Highway 47	*2,262
			Just upstream of State Highway 47	*2,264
			About 0.98 mile upstream of State Highway 47	*2,270
Send Comments to: City Hall, Cambridge, Nebraska 69022.				
New Hampshire	Windham (Town), Rockingham County (Docket No. FI-5247).	Beaver Brook	Castle Hill Road Bridge—50 feet upstream from centerline	*155
			Mill Dam—25 feet upstream from centerline	*157
			State Route 128 Bridge—50 feet upstream from centerline	*167
			Bridle Bridge Road—100 feet upstream from centerline	*173
			State Route 111—50 feet upstream from centerline	*175
			State Route 128—100 feet downstream from center	*182
			State Route 128—100 feet upstream from centerline	*187
			Rankin's Dam—100 feet downstream from centerline	*197
			Rakin's Dam—100 feet upstream from centerline	*207
		Golden Brook	Moecke Pond Road—50 feet downstream from centerline	*147
			Moecke Pond Road—50 feet upstream from centerline	*151
			Rock Pond Road—50 feet upstream from centerline	*152
			Range Road—50 feet upstream from centerline	*158
			Golden Brook Road—40 feet upstream from centerline	*168
			Dam—75 feet downstream from centerline	*172
			Dam—50 feet upstream from centerline	*187



## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Cobbetts Pond Road—25 feet upstream from centerline	*177
			Driveway Bridge (Culvert)—25 feet upstream from centerline	*197
			Dirt Cart Road—10 feet upstream from centerline	*211
			State Route 111—50 feet downstream from centerline	*217
			State Route 111—50 feet upstream from centerline	*222
			Church Road—25 feet upstream from centerline	*222
			Unnamed Car Road—25 feet upstream from centerline	*222
	Flatrock Brook		Deiron Road Culvert—25 feet upstream from centerline	*165
			State Route 28 (1st crossing)—50 feet downstream from centerline	*177
			State Route 28 (1st crossing)—40 feet upstream from centerline	*182
			State Route 28 (2nd crossing)—40 feet downstream from centerline	*202
			State Route 28 (2nd crossing)—40 feet upstream from centerline	*210
			Unnamed Dirt Road Bridge—25 feet upstream from centerline	*214
			Unnamed Stone Cart Bridge—25 feet upstream from centerline	*239
			Seavey Road—25 feet upstream from centerline	*245
			Seavey Pond Dam—25 feet upstream from centerline	*243
	Hidden Valley Brook		Kendall Pond Road Bridge—25 feet upstream from centerline	*212
			Old Mill Road—25 feet downstream from centerline	*213
			Old Mill Road—25 feet upstream from centerline	*218
			Abandoned Railroad Culvert (1st crossing)—25 feet upstream from centerline	*232
			Abandoned Railroad Culvert (2nd crossing)—25 feet upstream from centerline	*247
			Beaver Dam—25 feet upstream from centerline	*271
			Londonderry Road—50 feet upstream from centerline	*291
Maps available at: Town Hall, 3 North Lowell Road, Windham, New Hampshire.				
New Jersey	Newark (City), Essex (Docket No. FI-4757).	Newark Bay	Intersection of Terminal Street and Tyler Street	*10
			Intersection of Marsh Street and Import Street	*10
			Intersection of Main Street and Transit Street	*10
		Passaic River	Intersection of Albert Avenue and Catherine Street	*10
			Bridge Street—at centerline	*10
		Second River	McCart Highway—100 feet upstream from centerline	*12
			Washington Avenue—20 feet upstream from centerline	*24
			Summer Avenue—50 feet upstream from centerline	*34
			Union Street—25 feet upstream from centerline	*42
			Conrail (upstream crossing) 10 feet upstream from centerline	*67
Maps are available at: City Hall, 920 Broad Street, Newark, N.J.				
New Jersey	Rochelle Park (Township), Bergen County, FI-5466.	Saddle River	Essex Street 100 feet upstream from centerline	*40
			Susquehanna Railroad 100 feet upstream from centerline	*42
			Garden State Parkway 50 feet upstream from centerline	*43
		Spout Brook	Park Road 50 feet upstream from centerline	*43
			Passaic Street 50 feet upstream from centerline	*43
			Plaza Way 50 feet downstream from centerline	*43
Maps are available at: Township Hall, Rochelle Avenue, Rochelle Park, New Jersey 07660.				
Send comments to: Honorable William Schneider, Mayor, Township of Rochelle Park, 24 Chestnut Avenue, Rochelle Park, New Jersey 07660.				
New York	(T) Clay, Onondaga County (Docket No. FI-5575).	Seneca River	Downstream corporate limits	*368
			Approximately 3.6 miles upstream of State Route 31	*371
		Onondaga River	Confluence with Seneca River	*368
			Upstream corporate limits	*374
		Mud Creek	Confluence with Onondaga River	*370
			Just upstream of State Route 481	*374
		Big Ben Cut	Confluence with Onondaga River	*369
			Divergence with Onondaga River	*369
		Willow Stream	Confluence with Seneca River	*371
			Just upstream of Gaskin Road	*371
			Just upstream of State Route 57	*378
			Just upstream of Conrail	*379
Maps available at: Town Clerk's Office, Municipal Building 4483 Route 31, Clay, New York 13041.				
New York	Rye (City), Westchester County (Docket No. FI-5394).	Blind Brook	Oakland Beach Avenue	*14
			Central Avenue	*19
			Locust Avenue	*24
			Highland Road	*29
			Purchase Street	*33
			Upstream Corporate Limits	*35
		Beaver Swamp Brook	Downstream Corporate Limits	*32
			Park Avenue	*34
			Theodore Fremd Avenue	*40
			Locust Avenue	*43
			Upstream Corporate Limits	*47
		Long Island Sound	Entire Coastline	*14
Maps are available at: The Rye City Hall, Rye, New York.				

## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)			
New York	Suffern (Village), Rockland County, (FI-5427):	Ramapo River	Conrail Spur 20 feet upstream from centerline	*277			
			New York State Thruway 50 feet upstream from centerline	*280			
		Mahwah River	Boulevard Place 25 feet upstream from centerline	*279			
			New York State Route 59 10 feet upstream from centerline	*291			
		Montebello Creek	At Upstream Corporate Limits	*305			
			At Downstream Corporate Limits	*319			
			Dam 20 feet downstream from centerline	*324			
			Dam 20 feet upstream from centerline	*329			
		Antm Creek	At Upstream Corporate Limits	341			
			Old Mill Road 50 feet upstream from centerline	*304			
Maps are available at: Municipal Building, Suffern, New York.							
Send comments to: Honorable Joseph Savarese, Mayor, Village of Suffern, Municipal Building, Suffern, New York 10901.							
North Carolina	Pinetops (Town), Edgecombe County, (FI-5429):	Town Creek	Secondary Road 1200—100 Feet upstream from centerline	*54			
			Secondary Road 1202 at centerline	*57			
		Bynum Mill Creek	North Carolina State Highways 42 and 43-50 feet upstream from centerline	*53			
			Secondary Road 1120-150 feet upstream from centerline	*63			
Maps are available at: Town Hall, Pinetops, North Carolina.							
Send comments to: Honorable Willie E. Phillips, Mayor, Town of Pinetops, Drawer C, Pinetops North Carolina 27864.							
Ohio	Athens (C), Athens County (Docket No. FI-5512):	Hocking River	At downstream corporate limits	*635			
			Just upstream Stinson Avenue	*640			
			About 2,900 feet downstream of Whites Mill Dam	*643			
			Just upstream Whites Mill Dam	*646			
			Just upstream State Route 58	*648			
			About 250 feet upstream Margaret Creek	*650			
			Just downstream Chessie System	*652			
			About 1,000 feet upstream Chessie System	*658			
		Coates Run	At upstream corporate limits	*658			
			At Bannock Bridge (Unnamed Road)	*642			
			About 600 feet upstream of U.S. Route 33 which is located about 1,200 feet upstream of State Route 682.	*645			
			Just upstream of Foot Bridge located about 370 feet downstream of Carnegie Hill Drive.	*651			
			Just upstream of Unnamed Road located 3,500 feet upstream of State Route 682.	*655			
			About 1,200 feet downstream of U.S. Route 33 which is located about 5,800 feet upstream of State Route 682.	*660			
			About 870 feet downstream of U.S. Route 33 which is located about 5,800 feet upstream of State Route 682.	*665			
			About 380 feet downstream of U.S. Route 33 which is located about 5,800 feet upstream of State Route 682.	*670			
			About 150 feet upstream of Pomeroy Road (U.S. Route 33)	*678			
Maps available at: Athens City Planning Commission, East Washington Street, Athens, Ohio 45701.							
Ohio	Maumee (C), Lucas County (Docket No. FI-5521):	Heilman Ditch	Just upstream of Ohio Turnpike	*629			
			Just upstream of Dussel Drive	*627			
			Just upstream of Chesterfield Lane	*629			
			Just downstream of Conant Street	*631			
		Graham Ditch	Just upstream of Ohio Turnpike	*624			
			Just upstream of Ohio Turnpike Access ramps	*628			
			Just upstream of Holland Road	*628			
			Just downstream of Salisbury Road	*629			
Maps available at: City Hall, 410 Conant Street, Maumee, Ohio 43537.							
Oklahoma	Town of Wister, LeFlore County, (FI-5578):	Caston Creek	Approximately 1,500 feet downstream of U.S. Highway 270	*465			
		Mountain Creek	Approximately 600 feet upstream of U.S. Highway 270	*468			
			Approximately 200 feet upstream of St. Louis-San Francisco Railroad	*475			
		Rock Creek	Highland Avenue extended	*480			
			Approximately 200 feet downstream of U.S. Highway 271	*474			
Maps available at: City Hall, Highland Avenue, Wister, Oklahoma 74966.							
Pennsylvania	Athens (Township), Bradford County (Docket No. FI-5537):	Susquehanna River	Downstream Corporate Limits	*750			
			Susquehanna Street	*760			
			Confluence of Cayuta Creek	*767			
			Upstream Corporate Limits	*773			
		Chemung River	Confluence with Susquehanna River	*753			
			Tioga Street (Upstream)	*758			
			U.S. Route 220 Bypass	*762			
			State Route 424	*774			
		Buck Creek	Confluence of Orcutt Creek	*797			
			Conrail Downstream	*750			
			Conrail Upstream	*752			
		Cayuta Creek	U.S. Route 220	*759			
			Conrail	*767			
			Corporate Limits	*769			

## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Satterlee Creek	Riverside Drive	*758
			Moore Road	*826
			Corporate Limits	*902
		Dry Brook	Private Road	*778
			Corporate Limits	*785
		Murray Creek	Conrail	*754
			Cokins Road	*884
			Tributary No. 2	*956
Maps available at: The Township Building, Sayre, Pennsylvania.				
Pennsylvania	Canonsburg (Borough), Washington County (Docket No. FI-5184).	Chartiers Creek	Upstream Corporate Limits	*952
			Stratane Avenue (Upstream)	*948
			Jefferson Avenue (Upstream)	*936
			Euclid Avenue (Upstream)	*928
			Downstream Corporate Limits	*924
		Brush Run	Upstream Corporate Limits at Valley Road	*970
Maps are available at: The Borough Building, 68 East Pike Street, Canonsburg, Pennsylvania.				
Pennsylvania	Hunlock (Township), Luzerne County (Docket No. FL-4850).	Susquehanna River	Corporate Limits (Downstream)	*528
			State Hospital Bridge (Upstream)	*530
			Corporate Limits (Upstream)	*537
		Hunlock Creek	Conrail	*533
			Dam Upstream of U.S. Route 11 (Downstream)	*539
			Dam Upstream of U.S. Route 11 (Upstream)	*545
			(Downstream Crossing Legislative Route 635	*627
			(Upstream Crossing Legislative Route 635	*714
			Township Route 483 (Upstream)	*752
		Tributary No. 1 to Hunlock Creek	Dam (Downstream)	*643
			Dam (Upstream)	*655
			Private Bridge (Upstream)	*689
		Tributary No. 2 to Hunlock Creek	Private Bridge (Upstream)	*715
			Legislative Route 635 (Upstream)	*798
			Township Route 532 (Downstream)	*815
			Township Route 532 (Upstream)	*820
		Tributary No. 1 to Tributary No. 2	Confluence with Tributary No. 2 to Hunlock Creek	*759
			2,225 feet above confluence with Tributary No. 2 to Hunlock Creek	*780
			3,659' upstream of confluence w/Tributary No. 2 to Hunlock Creek	*805
Maps are available at: The Township Office, Hunlock Fire Department, Hunlock, Pennsylvania.				
Pennsylvania	Jefferson (Borough), Allegheny County (Docket No. FI-5559).	Monongahela River	Downstream Corporate Limits	*748
			Lock and Dam 3 (Upstream)	*750
			Upstream Corporate Limits	*751
		Lobbs Run	Confluence with Monongahela River	*751
			3rd crossing of Walton Road (Upstream)	*784
			Upstream Limit of Detailed Study	*812
		Peters Creek	Downstream Corporate Limits	*750
			Private Drive 5,000 feet upstream of S.R. 51 (Upstream)	*783
			Upstream Corporate Limits	*822
		Lewis Run	Confluence with Peters Creek	*773
			3rd crossing of State Route 51 (Upstream)	*842
			Upstream Corporate Limits	*918
		Lick Run	Confluence with Peters Creek	*820
			Snowden Road (Upstream)	*882
			McElhaney Road (Upstream)	*925
			Upstream Limit of Detailed Study	*962
Maps are available at: The Jefferson Borough Building, 3008 Old Clairton Road, Clairton, Pennsylvania.				
Pennsylvania	Pitcairn (Borough), Allegheny County (Docket No. FI-5560).	Dirty Camp Run	Broadway Avenue Upstream	*770
			Third Street (Upstream)	
			Eleanor Street (Upstream)	*780
			Agatha Street Culvert (Outlet)	*780
			Agatha Street Culvert (Inlet)	*786
			Taylor Avenue (Upstream)	*793
			Hill Street (Extended)	*798
			Wall Street (Upstream)	*813
			Coal Street (Extended)	*823
			Upstream Corporate Limits	*835
Maps are available at: The Borough Office, Pitcairn, Pennsylvania.				
Pennsylvania	Turtle Creek (Borough), Allegheny County (Docket No. FI-5532).	Turtle Creek	Confluence of Thompson Run	*732
			Upstream Corporate Limits	*736
		Thompson Run	Conrail (Downstream Crossing)	*732
			Conrail (450' downstream of Penn Avenue)	*734
			Penn Avenue	*738
			Conrail (300' downstream of Tri-borough Expressway)	*739
			Downstream side of Tri-borough Expressway	*741
			Upstream side of Tri-borough Expressway	*748
			Church Street	*749
			Union Railroad (300' upstream of Church Street)	*749
			Factory Entrance (300' downstream of Jones Avenue)	*756
			Jones Avenue	*758
			Corporate Limits (750' upstream of Jones Avenue)	*767
Maps are available at: The Borough Building, 125 Monroeville Avenue, Turtle Creek, Pennsylvania.				

## Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Tennessee	City of Oak Hill, Davidson County (FI-5584).	Middle Fork Browns Creek	Just upstream of Woodmont Boulevard Culvert Just downstream of Overbrook Drive	*499 *520
Maps available at: Office of City Manager, West Melrose Building, 2535 Franklin Road, Nashville, Tennessee 37204.				
Texas	City of Murphy, Collin County (FI-5585).	Maxwell Creek	Just downstream of F.M. Road 544 Just upstream of F.M. Road 544 Just downstream of McMillen Drive	*531 *532 *562
Maps available at: City Hall, Murphy, Texas 75074.				
Vermont	Pownal (Town), Bennington County (Docket No. FI-5595).	Hoosic River	Downstream Corporate Limits Boston & Maine Railroad (Upstream) State Route 346 (100' Upstream) Confluence of Potter Hollow Brook North Pownal Bridge (Town Highway 24—Upstream) Pownal Tannery Dam (Downstream) Pownal Tannery Dam (Upstream) Pownal Bridge (150' Upstream) Confluence of Ladd Brook Upstream Corporate Limits	*494 *499 *501 *507 *514 *515 *529 *543 *545 *560
		Potter Hollow Brook	Confluence with Hoosic River State Route 346 (Upstream)	*507 *524
		Ladd Brook	Confluence with Hoosic River Private Drive 160' Downstream of Boston & Maine Railroad Boston & Maine Railroad (Upstream)	*545 *545 *554
Maps are available at: The Pownal Town Office, Pownal, Vermont.				
West Virginia	Glen Dale (City), Marshall County (Docket No. FI-5604).	Ohio River	Upstream Corporate Limits Downstream Corporate Limits	*654 *653
		Little Grave Creek	Lindy Lane Upstream Corporate Limits Downstream Corporate Limits	*674 *666 *652
Maps are available at: The City Building, 402 Wheeling Avenue, Glen Dale, West Virginia.				
Wisconsin	Brown Deer (V), Milwaukee County (Docket No. FI-5587).	South Branch Creek	Just upstream of Deerwood Drive Just upstream of Teutonia Avenue Just downstream of Dean Avenue Just upstream of Dean Avenue Approximately 50 feet downstream of North 47th Avenue Just upstream of North 47th Street Just upstream of North 51st Street Just upstream of North 54th Street Just upstream of North 55th Street Just downstream of West Bradley Road	*652 *650 *657 *660 *660 *674 *670 *679 *692 *685
		Milwaukee River	Downstream of Brown Deer Road Upstream corporate limits	*650 *653
Maps available at: The Office of the Village Clerk, 4600 West Greentbrook Drive, Brown Deer, Wisconsin 53223.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17004, November 28, 1968); as amended (42 U.S.C. 4001-4126); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: October 18, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[ER Doc. 79-34038 Filed 11-6-79; 8:45 am]

BILLING CODE 6718-03-M

# Proposed Rules

Federal Register

Vol. 44, No. 217

Wednesday, November 7, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## CIVIL AERONAUTICS BOARD

### 14 CFR Parts 223 and 225

[EDR-391; Docket No. 35392; Dated: November 1, 1979]

#### Exemptions for Carriers To Provide Free or Reduced-Rate Transportation in Connection With Barter Transactions and Promotional Programs

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In response to a petition from the Air Freight Forwarders Association of America, the CAB proposes to allow carriers to provide unrestricted free or reduced-rate travel in exchange for goods and services or to persons involved in promoting air transportation. This is the second step in a generic review of the Board's free or reduced-rate transportation policies.

**DATES:** Comments due by: January 7, 1980. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 19, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

**ADDRESSES:** Twenty copies of comments should be sent to Docket Section, Docket 35392, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

#### FOR FURTHER INFORMATION CONTACT:

Michael Schopf, Associate General Counsel, Pricing and Rules Division, or David R. Parker, Trial Attorney, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202/673-6060.

**SUPPLEMENTARY INFORMATION:** Section 403(a) of the Federal Aviation Act (the Act) requires carriers to file tariffs stating the rates charged for air transportation. Section 403(b) requires carriers to adhere to the rates stated in their respective tariffs. In spite of the foregoing tariff requirements, the second sentence in section 403(b)(1) allows carriers to provide free or reduced-rate transportation to certain categories of persons. Carriers are thus relieved of the statutory requirements of filing and adhering to otherwise applicable tariffs when transporting these special categories of persons. Further, Part 223 of the Board's Economic Regulations (14 CFR Part 223) exempts carriers from the tariff requirements of the Act and expands the categories of persons eligible for free or reduced-rate transportation. Neither section 403 nor Part 223 currently provides blanket authority for carriers to transport persons whose activities promote air transportation. As explained, *infra*, we tentatively conclude the public interest justifies exempting carriers from the tariff requirements of section 403 and from section 404(b) of the Act to enable them to provide free or reduced-rate transportation for cargo agents, tour operators, air freight forwarders, media representatives and any other category of persons engaged in promoting air transportation where the transportation is offered for promotional purposes.

Also, we tentatively conclude that the public interest justifies permitting carriers to exchange air transportation for goods and services. This would allow carriers to use barter as an alternative when perceived to be a more expedient method of compensating suppliers than cash. Barter transactions are currently prohibited by section 403(a) of the Act; <sup>1</sup> we propose, however, to exempt carriers from section 403(a) to permit this method of compensation, and from 403(b) and 404(b) to authorize the provision of such transportation at reduced rates.

The Air Freight Forwarders Association of America (AFFA) has asked the Board to institute a rulemaking proceeding "designed to

<sup>1</sup> Section 403(a) of the Act requires that rates, fares and charges shown in any tariff be stated in terms of lawful money. The Board has construed this provision, together with the requirement of adherence to tariffs in section 403(b), as prohibiting carriers from bartering air transportation for goods or services. Order 79-4-55.

permit direct United States and foreign air carriers to furnish free and reduced-rate air transportation to the officers, directors and employees of Board authorized air freight forwarders." <sup>2</sup> AFFA has suggested two methods of granting air freight forwarders free or reduced-rate transportation. First, they have asked us to issue a policy statement declaring that section 403(b) of the Act specifically authorizes such transportation for officers, directors and employees of U.S. registered air freight forwarders. Alternatively, they have requested we use our exemption power to enable forwarders to participate in free or reduced-rate travel programs. We propose to use our exemption power to accommodate petitioner's request. Also, the Society of American Travel Writers has petitioned the Board to permit carriers to offer free or reduced-rate transportation to "bona-fide travel writers, photographers and broadcasters on broadcasters on assignment by accredited media." The broad exemption we are proposing would fully satisfy both petitioners.

However, we propose to go beyond the requests of AFFA and the Society of American Travel Writers, as part of our generic review of the Board's free and reduced-rate transportation policy. The proposed exemptions would reduce Board interference in the day-to-day business decisions of the carriers, and move Part 223 in line with our current policy of allowing maximum managerial flexibility absent persuasive evidence that government interference is needed to protect air transportation consumers. In addition to giving carriers greater flexibility in making day-to-day business decisions, these amendments should, in many instances, help reduce costs and enhance operating efficiency. Finally, these blanket exemptions would decrease the volume of *ad hoc* free or reduced-rate transportation requests currently processed under Part 223, and reduce associated administrative costs for the Board and the industry. <sup>3</sup>

<sup>2</sup> Docket 35392, *Petition for Rulemaking of the Air Freight Forwarders Association*. The Society of American Travel Writers has filed a petition in Docket 36702, which we will consolidate into Docket 35392 and consider in this rulemaking proceeding.

<sup>3</sup> These actions do not, by their terms, affect the validity of various industry agreements, described below, under which carriers have agreed to provide free and reduced transportation on a restricted basis. Our focus at this point is with Board imposed restrictions.

### Promotional Transportation

In ER-1149 (44 FR 52173, September 7, 1979), we amended Part 223 to remove the restrictions and reporting requirements attached to the free or reduced-rate promotional transportation offered to travel agents pursuant to Board regulations. We concluded that promotional travel is a useful tool for promoting air transportation; that there are "no public interest reasons to limit the type of promotional incentives carriers offer travel agents and others who promote air transportation;" and that there are no incentives for carriers to engage in "irrational conduct and offer free transportation without countervailing benefits." Although EDR-375 proposed liberalizing transportation privileges only for travel agents, its conclusions and rationale apply equally here and support our proposal to extend similar free or reduced-rate privileges to any person involved in promoting air transportation.<sup>3</sup>

Under this proposed exemption, for example, we intend to permit carriers to transport persons to educational and training programs and to industry meetings and working groups. The educational/training programs serve to familiarize persons with the attributes of air transportation, and the industry meetings provide forums where carriers and persons engaged in promotional activities can address and resolve joint problems. These programs are designed to promote air transportation and further the legitimate business needs of the industry. Under our current policy, decisions to offer such reduced-rate travel should ordinarily rest with the carriers. As we have said, "We believe that carriers are in the best position to make the judgments whether particular educational, training, or other free or reduced-fare transportation programs are warranted and they should be responsible for those judgments." Order 78-8-15, p. 2.<sup>4</sup>

This proposed rule, however, is not intended to permit carriers to evade the tariff filing requirements of the Act by offering discount promotional fares to members of the general public. Such broad fare offerings are subject to the tariff filing requirements of the Act and Part 221 of the Board's Regulations, as well as the pricing requirements set forth in § 399.31 of the Board's Regulations. This proposed rule exempts carriers from the tariff filing requirements of the Act only to

transport persons whose business activities promote the sale of air transportation (*i.e.*, travel writers, tour operators, travel agents, cargo agents, representatives of government tourism offices, air freight forwarders, etc.). Further, such transportation must be offered for promotional purposes. Carriers must file or adhere to applicable tariffs when offering transportation to the general public.

In addition, this proposed rule would expressly permit carriers to provide free or reduced-rate transportation to members of the immediate families of persons engaged in promotional activities. Past Board policy did not allow such transportation, based on the belief that providing transportation for family members would serve no promotional purpose.<sup>5</sup> Although family members may not be directly involved in promotional activities, allowing carriers to offer family travel as a special inducement would enhance their ability to attract participants to the promotional programs they sponsor. This would further the promotional efforts of the carriers. This exemption would also benefit persons engaged in promoting air transportation by making more attractive promotional programs available. As noted in Order 79-6-48, we see free and reduced-rate promotional transportation as essentially a means of compensating those who provide promotional services to carriers, and see no reason to diminish its usefulness by not including family members in this proposed rule. We, therefore, tentatively conclude that the public interest justifies allowing carriers to extend travel privileges to the immediate family members of persons engaged in promoting air transportation.

### Barter Transactions

Despite the statutory prohibition against barter, the Board has in past granted temporary exemptions to local service and other categories of carriers to exchange air transportation for goods and services for advertising purposes. This authority, set forth in Part 225 of our regulations (14 CFR Part 225), was first granted in 1955 and its effectiveness was subsequently extended.<sup>6</sup> The Board, however, permitted Part 225 to expire.<sup>7</sup> Currently no barter transactions are permitted pursuant to Board regulations. We tentatively conclude that the public interest justifies expanding Part 223 to again permit barter. We believe that barter transactions will help alleviate

cash flow problems, improve carrier operating efficiency<sup>8</sup> and reduce carrier costs.<sup>9</sup> In a competitive environment, these benefits should result in reduced costs or better service for consumers.<sup>10</sup> The purpose of the statutory requirements of payment in legal tender is to prevent unjustly discriminatory, preferential, or prejudicial fares. However, as explained, *infra*, we do not believe that these exemptions will result in injury to the traveling public.

The exemption we propose under Part 223 is quite different from the barter exemption previously in effect under Part 225. Part 225 imposed many restrictions and conditions on barter transactions. We have reviewed these restrictions and conditions and decided that the public interest would not be served by incorporating them in our proposed rule. Therefore, our proposal is in many respects more liberal than Part 225.

First, this exemption would extend to all carriers. Part 225 excluded trunkline carriers.<sup>11</sup> However, we see no public policy reasons to exclude any class of carriers. Considering the benefits barter may confer upon the industry and consumer, and public interest would be best served by extending this exemption to all carriers.

Second, our proposal does not incorporate accounting or valuation requirements. Part 225 required carriers to value the air transportation provided and bill suppliers in accordance with currently effective tariffs.<sup>12</sup> These requirements in effect prohibited free or reduced-rate transportation under Part 225—carriers had to adhere to applicable tariffs and were thus prevented from billing suppliers at special rates for barter transactions. Our proposed rule contains no pricing requirements, and permits carriers to bill suppliers at reduced rates.

Third, this rule will not limit the type or the amount of goods and services a

<sup>3</sup>EDR-375 explained the public interest factors justifying promotional free or reduced-rate travel; therefore, we will not repeat in detail the specific public interest factors.

<sup>4</sup>See also, Orders 78-12-10 and 78-8-118, p. 3.

<sup>5</sup>Orders 71-1-111 and 71-3-131.

<sup>6</sup>ER-201, 20 FR 638, January 29, 1955.

<sup>7</sup>In Orders 77-2-78 and 78-11-44, the Board refused to extend the effectiveness of Part 225. We now propose that Part 225 should be deleted.

<sup>8</sup>Order 79-4-55 granted *ad hoc* exemptions to several carriers to exchange air transportation for advertising and promotional goods and services. We concluded this would reduce cash flow problems connected with the need to publicize new service, enhance the ability of carriers to provide consumers with information about new service, increase consumer choice and possibly improve carrier operating efficiency.

<sup>9</sup>Order 79-6-48 approved IATA Resolution 203a permitting carriers to compensate cargo agents with reduced-rate transportation for their spouses. We concluded that carriers will use barter only where it is a less costly method of compensation than cash. Similarly, we believe that the barter exemption now proposed will provide an opportunity for carriers to reduce cost and thus increase operating efficiency.

<sup>10</sup>Order 79-4-55, p. 3.

<sup>11</sup>The Part 225 exemption (§ 225.1(a)) only permitted the local service and other categories of subsidized carriers to engage in barter transactions.

<sup>12</sup>Sections 225.10(b)(2) and 225.11.

carrier may purchase with transportation privileges. In contrast, Part 225 allowed carriers to purchase only advertising goods and services,<sup>13</sup> and limited the amount of barter purchases which could be conducted per calendar year.<sup>14</sup> We see no reason to similarly limit this proposed exemption. Carriers are currently permitted to exchange transportation privileges for goods or services in a limited range of situations. For example, IATA Resolution 200 allows transportation privileges for auditors, accountants, attorneys, physicians, engineers, consultants, employees of advertising or public relations firms and other professionals who are either retained by or members of a firm retained by an air carrier. Also, various ATC and IATA resolutions permit carriers to offer transportation privileges as an incentive to encourage travel and cargo agents to increase their sales. This method of compensating agents (in lieu of cash commissions) for sales services rendered has long been permitted by the Board. (See IATA Resolutions 203(a) and 203(c) and ATC Resolution 15.35.) In addition, as noted earlier, we recently permitted carriers to compensate cargo agents with transportation privileges for their spouses pursuant to an IATA agreement (Order 79-6-48). We have encountered no problems with the transportation privileges bartered pursuant to these inter-carrier agreements, and we anticipate no significant future problems in allowing carriers to use barter without restrictions.

Finally, we will not specify the terms in barter agreements or require carriers to file such agreements with the Board, as Part 225 did.<sup>15</sup> We believe these restrictions would serve no purpose in the context of our current regulatory scheme. The terms of a barter contract can be negotiated between the carriers and their suppliers on the basis of their own mutual interests. We can find no reason to intervene in this negotiation process by dictating the terms of the barter contract. Further, we will not require carriers to file such contracts with the Board, since we currently have no use for such information.

These proposals would allow carriers to offer free or reduced-rate transportation to certain groups for the first time. For example, employees of carrier affiliated companies, industry organizations, and firms providing personal services to carriers presently do not qualify for transportation

privileges. These persons, however, often perform the same tasks as carrier employees entitled to transportation privileges under the Act. This exemption removes this anomaly and allows carriers to offer these persons the same travel benefits offered regular employees.<sup>16</sup>

Also, this rule would allow carriers to engage in types of barter transactions previously considered unlawful. Carriers could offer transportation privileges to celebrities in exchange for endorsements, and supply tickets for games and sweepstakes in return for promotional considerations.

#### Exemption from § 404(b)

Section 404(b) of the Act prohibits carriers from giving undue or unreasonable preference or advantage to any person. We believe that the transportation which would be allowed under these proposed exemptions would not be inconsistent with this statutory mandate. This is especially true in light of our evolving policies on price discrimination as we make the transition to a more competitive economic environment. In PSDR-58 (44 FR 21816, April 12, 1979), for example, we proposed to liberalize our traditional policies on preference and discrimination in domestic air transportation. During the transition period, we have proposed to interfere with a carrier's pricing judgment only where an interest worthy of protection is seriously threatened and where consumers' welfare could be better served by another alternative. Since we have concluded that these exemptions should result in improved service and lower costs for air transportation consumers, and have experienced no substantial problems with free and reduced rate transportation thus far, we believe that our action here would satisfy the proposed new criteria for nonintervention. Moreover we have no reason to treat domestic and international air transportation differently in this particular context. While PSDR-58 currently applies only domestically, we have noted our intention to consider comments on

<sup>16</sup> Employees of carrier affiliated companies qualify for free or reduced-rate transportation in foreign and overseas markets under § 223.2(b)(1) of the Board's Regulations. Employees of wholly carrier-owned industry organizations such as IATA and ATA currently qualify under the Act as joint employees of carriers. However, employees of industry organizations which are not wholly carrier-owned and supported (for example, the National Air Transportation Association) may not be entitled to transportation privileges under the "joint employee" rationale. Under our proposals these persons would qualify for transportation privileges offered in return for the services they provide to the carriers.

whether the same principles pertain to international markets as well, and, if it appears warranted, to issue a supplemental notice or institute a separate proceeding to consider an expanded rule. While differences in the degree of competitive behavior exhibited by domestic and international markets may bear on the scope of a general policy, we have no basis for supposing that either the consumer benefits, or the risks of unlawful behavior, attending less restricted free and reduced rate transportation and barter arrangements will be substantially different in international markets than in domestic markets. On the contrary, the inherent uses and limitations of free and reduced rate transportation, under the conditions we have proposed, would appear to have little relationship to levels or forms of pricing behavior aimed at the general public. For this reason, and because PSDR-58 has not been finalized, we tentatively conclude that an exemption from 404(b) is in the public interest to avoid any possibility that traditional antidiscrimination doctrine might produce a chilling effect on the use of free and reduced rate transportation within the scope of this rule.

Accordingly, we propose to delete and reserve 14 CFR Part 225, *Trade Agreements*, and to amend 14 CFR Part 223, *Free and Reduced-Rate Transportation*, by adding §§ 223.2(k) and (l) as follows:

#### PART 223—FREE AND REDUCED-RATE TRANSPORTATION

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

(k) Carriers are exempted from sections 403 and 404(b) of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to provide transportation (including free and reduced-rate transportation) in return for goods or services.

(l) Carriers are exempted from sections 403 and 404(b) of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to provide free or reduced-rate transportation to persons engaged in promoting transportation and their immediate families when such transportation is undertaken for a promotional purpose.

#### PART 225—TRADE AGREEMENTS—[DELETED AND RESERVED]

(Secs. 204, 403, 404, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760,

<sup>13</sup> Sections 225.1(b) and (c) and § 225.2(a).

<sup>14</sup> Section 225.6.

<sup>15</sup> Sections 225.5 and 225.2.



771, 92 Stat. 1731, (49 U.S.C. 1324, 1373, 1374, 1386))

By the Civil Aeronautics Board.  
Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34443 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Docket No. 9127]

#### The Southland Corp., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require The Southland Corporation (Southland), a Dallas, Texas dairy processor, to refrain for seven years from acquiring, without prior Commission approval: (1) any fluid milk processing plant, distribution facility or route within a 150-mile radius of a Southland fluid milk processing plant or distribution facility; (2) any such company or plant located within a 150 to 500 mile radius of a Southland fluid milk processing plant or distribution facility, which processed more than 26 million pounds of Class I milk within any of the three years prior to the acquisition; or (3) any fluid milk processing company that processes 300 million pounds of Class I milk annually.

**DATE:** Comments must be received on or before January 7, 1980.

**ADDRESS:** Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas 75201, (214) 729-0032.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been

placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of the Southland Corporation, a corporation, and Knowlton's, Inc., a corporation. Docket No. 9127, agreement containing consent order to cease and desist.

The agreement herein, by and among The Southland Corporation, a corporation, by its duly authorized officer, Knowlton's, Inc., by its duly authorized officer, hereafter sometimes referred to collectively as respondents, their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties agree that:

1. Respondent The Southland Corporation (hereafter Southland) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 2828 N. Haskell Avenue, Dallas, Texas 75204.

2. Respondent Knowlton's, Inc. (hereafter Knowlton's) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 1314 Fredericksburg Road, San Antonio, Texas 78201. Since on or about June 15, 1979, all of Knowlton's assets have been owned by Southland.

3. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. Respondents have filed a joint answer to the complaint denying the charges.

4. Respondents admit all jurisdictional facts set forth in the Commission's complaint in this proceeding.

5. Respondents waive:

(a) Any further procedural steps;  
(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and  
(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

6. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this

agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute and admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

9. Respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued they shall be required to file annual compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

## Order

### Definitions

For purposes of this order the following definitions shall apply:

(a) "Class I milk" means packaged fluid whole milk, partially skim milk (approximately 2% butterfat or less),

skim milk, buttermilk, cultured fluid milk products (except yogurt), flavored milk, and flavored milk drinks.

(b) "Southland" refers to The Southland Corporation, its subsidiaries, divisions, affiliates, successors and assigns.

## I.

It is ordered that Southland shall refrain, for a period of seven (7) years from the date of service upon it of this order, from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission: (i) Any fluid milk processing plant, distribution facility or route (except those serving fluid milk processed by Southland exclusively) within a 150 mile radius of a Southland fluid milk processing plant or distribution facility; (ii) Any fluid milk processing company or plant located within a radius of between 150 and 500 miles of a Southland fluid milk processing plant or distribution facility which in any of the three years prior to the acquisition processed more than 26 million pounds of Class I milk; or (iii) Any fluid milk processing company that processes 300 million pounds of Class I milk annually; provided, however, that if the Federal Trade Commission at any time during the seven (7) year period of this order should modify its Criteria for Assessing Future Mergers, as set forth in the Commission's Enforcement Policy With Respect to Mergers in the Dairy Industry, the Commission will modify this order to conform to the modified Criteria.

## II.

It is further ordered that Southland shall within thirty (30) days after service upon it of this order file with the Commission a report setting forth in detail the location of its existing fluid milk processing plants, distribution facilities and routes. Thereafter annually for seven years, Southland shall file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order and shall include in such report a current list of Southland's fluid milk processing plants, distribution facilities and routes.

## III.

It is further ordered that Southland shall notify the Commission at least thirty (30) days prior to any proposed corporate change such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change which may affect compliance obligations arising out of this order.

## Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Southland Corporation and Knowlton's, Inc. (hereinafter referred to as "respondents").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

On April 26, 1979, the Commission issued a complaint against The Southland Corporation (Southland) and Knowlton's, Inc. (Knowlton's), which alleged that the proposed acquisition of Knowlton's by Southland, if consummated, would violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. Section 7 of the Clayton Act prohibits any acquisition which may have the effect of substantially lessening competition or tending to create a monopoly in any line of commerce, and Section 5 of the Federal Trade Commission Act prohibits unfair methods of competition as well as deceptive acts or practices in or affecting commerce.

The Commission's complaint alleged that Southland, one of the nation's largest milk processors, has acquired approximately twenty-nine (29) dairies since 1960 and currently sells packaged fluid milk in thirty states and the District of Columbia. The complaint also charged that Southland directly competes with Knowlton's in the processing and wholesale distribution of packaged fluid milk in the San Antonio Standard Metropolitan Statistical Area (SMSA). By acquiring Knowlton's, the complaint alleged, Southland would eliminate actual competition, diminish the vigor of price competition for fluid milk in the SMSA, and encourage additional mergers between milk processors across the country.

On or about June 15, 1979, Southland acquired all of Knowlton's assets. Southland agree, however, not to share with Knowlton's any customer lists, pricing information, or distribution facilities until completion of the administrative proceeding.

The proposed consent agreement incorporates into an administrative order certain key provisions that will be enforceable against respondents upon the termination of the administrative

proceeding. This will avert the expenditure of resources for an administrative trial, which otherwise would be necessary before the Commission could impose a remedial order, and assure a lasting effect of the Commission's efforts in this action.

The proposed order has three sections, the substance of which are described below.

Paragraph I prohibits The Southland Corporation (including any of its subsidiaries, divisions, affiliates, assigns or successors) from acquiring for a period of seven years, without prior Commission approval, any fluid milk processing companies, plants, distribution facilities or routes (except its own exclusive distributors) in the following categories:

(i) Those within a 150-mile radius of a Southland fluid milk processing plant or distribution facility;

(ii) Those processing more than 26 million pounds of Class I milk which are located within a radius of between 150 and 500 miles of a Southland fluid milk processing plant or distribution facility; and

(iii) Those processing 300 million pounds or more of Class I milk annually.

The provision addresses Southland's past history of acquisitions by tracking the language of the Commission's established Enforcement Policy With Respect to Mergers in the Dairy Industry, 43 FR 1992 (January 13, 1978). It does not require Southland to dispose of any assets acquired from Knowlton's.

Paragraph II and III relate to compliance. Southland is required by the former to file annual reports for seven years which should detail how Southland has complied with the proposed order and which should contain a current list of Southland's fluid milk processing plants, distribution facilities and routes. Paragraph III requires Southland to notify the Commission of any corporation changes which may affect Southland's compliance obligations.

The purpose of this analysis is to facilitate public comment on the proposed order; it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-34446 Filed 11-6-79; 8:45 am]

BILLING CODE 6750-01-M

**16 CFR Part 13****[File No. 791 0073]****W. R. Grace & Co.; Consent Agreement  
With Analysis To Aid Public Comment****Correction**

In FR Doc. 79-33655 appearing at page 62524 in the issue for Wednesday, October 31, 1979, in the third column, on the date line, "December 1, 1979" should read "December 31, 1979".

BILLING CODE 1501-01-M

**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Parts 4, 144, 151, and 159****Proposed Amendments to the  
Customs Regulations relating to Public  
Gaugers of Imported Petroleum and  
Petroleum Products**

**AGENCY:** U.S. Customs Service,  
Department of the Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the Customs Regulations relating to imported petroleum and petroleum products to incorporate recommendations of a Customs Petroleum Imports Task Force for establishing standardized guidelines and procedures applicable to the use of public gaugers in monitoring imports of petroleum and petroleum products. The purpose of the proposed amendments is to ensure proper control of imported petroleum and petroleum products and uniform, complete, and reliable statistics relating to the importation of these products.

**DATES:** Comments must be received on or before December 7, 1979.

**ADDRESS:** Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Alice M. Rigdon, Cargo Processing Division, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5354).

**SUPPLEMENTARY INFORMATION****Background**

Controls and checks on the unloading and shore tank gauging of imported petroleum and petroleum products are established by each district director of Customs under section 151.42, Customs

Regulations (19 CFR 151.42). Depending on local conditions, the district director may employ any of the following methods of control:

(a) Complete and continuous supervision by a Customs officer when other methods are not considered adequate, or when the importer requests continuous supervision;

(b) Use of reports of public gaugers approved by the Commissioner of Customs in accordance with section 151.43, Customs Regulations (19 CFR 151.43);

(c) Use of positive displacement meters at installations where provided by the importer;

(d) Use of turbine-type meters at installations where provided by the importer;

(e) Sealing of all valves when practical; or

(f) Taking of vessel ullages before and after the discharge.

To ensure proper control of imported petroleum and petroleum products and uniform, complete, and reliable statistics relating to the importation of these products, a Customs Petroleum Imports Task Force was established to survey operations at selected Customs field locations and to formulate proposals to achieve these goals.

Survey teams conducted studies from July 2-20, 1979, in the 10 locations through which most petroleum and petroleum products imported into the United States are entered. The teams "found that, in general, the Customs Service was providing proper controls and reporting reliable statistics." However, it was also discovered that "... there were isolated instances of insufficient controls and that the Customs Service was lacking in standardized national procedures and guidelines for various aspects of imported petroleum." Therefore, it was determined to be in the national interest, in light of the present energy situation, to develop standardized guidelines for processing petroleum and petroleum product importations. These guidelines are similar to Customs procedures now followed in most locations. Significant changes are the emphasis on uniformity throughout Customs and tighter control through increased supervision of various gauging procedures, including controls on the use of public gaugers.

On the basis of Task Force recommendations, and in accordance with Customs intent to maintain a permanent oversight function in regard to petroleum imports to ensure continued control in this vital area, the following changes to section 4.12, Customs Regulations (19 CFR 4.12), relating to explanations of manifest

discrepancies, and Part 151, Subpart C, Customs Regulations (19 CFR Part 151, Subpart C), relating to the examination, sampling, and testing of petroleum and petroleum products, are proposed.

**Discussion of Proposed Substantive  
Changes**

1. Section 4.12 requires that shortages (merchandise manifested but not found) and overages (merchandise found but not manifested) be reported to the district director. However, the regulations do not specify, for bulk importations, how great the discrepancy must be before a report is mandatory. In the case of petroleum and petroleum products, it is proposed to add a new section 4.12(c) to require that manifest discrepancies, both overages and shortages, be reported if the discrepancy exceeds one percent. Penalties otherwise provided by law for manifest discrepancies may be incurred if the discrepancy exceeds one percent.

2. Sections 151.41 and 151.45(c), respectively, permit importers to estimate the amount of petroleum and petroleum products to be landed for entry or withdrawn from bonded tanks if the exact quantity cannot be determined in advance. Such unverified estimates do not provide Customs with reliable statistics. It is proposed to amend these sections to require that these estimates not vary by more than one percent from the gross quantity landed. Penalties otherwise provided by law may be incurred if the amount varies from the estimate by more than one percent.

The amount actually landed or withdrawn is the amount which is to be used for statistical purposes.

3. Section 151.42 provides that each district director shall establish controls and checks on the unloading and shore tank gauging of petroleum and petroleum products imported by vessel. Because petroleum and petroleum products also are transported by carriers other than vessels, it is proposed to amend section 151.42 to include imports by truck, railroad car, pipeline, or other carrier.

Section 151.42 also permits the district director to exercise discretion in determining which methods of control to use in the unloading and gauging of petroleum and petroleum products. To ensure uniformity in Customs controls and reliable statistics regarding the quantities of petroleum and petroleum products landed, it is proposed that this section be amended to state that, where possible, two methods of control shall be utilized.

In addition, it is proposed to amend this section to provide that Customs

officers will perform or witness: (1) opening ullages of carriers; (2) closing ullages of all carriers which have not completely discharged cargo or if an importer or carrier requests Customs to witness closing ullages due to special problems; (3) shore tank gauges performed by company or related party employees; (4) between 5 and 10 percent of shore tank gauges conducted by public gaugers; and (5) shore tank gauges, including those conducted by a public gauger, where no carrier ullages are taken. It is anticipated that exceptions to the gauging and ullaging procedures will be limited to safety and technological constraints (such as pressurized inert gas systems or dangerous stream boardings). Further, because the sealing of valves has not been found to be a reliable method of control, it is proposed to delete present section 151.42(e), which refers to this method.

Consistent with an existing requirement that meters used in gauging petroleum and petroleum products be approved by Customs, it is proposed to amend sections 151.42(c) and (d) to provide that positive displacement meters and turbine-type meters used as methods of control in gauging petroleum and petroleum products must be of a type approved by Customs.

To ensure reliable information regarding petroleum and petroleum products imported otherwise than by vessel, it is proposed to add a new subsection to section 151.42. The new subsection would require the reporting of discrepancies in manifests of petroleum and petroleum products imported by truck, railroad car, pipeline, or other carrier, if the discrepancy exceeds one percent. As in the case of petroleum and petroleum products imported by vessel, it is anticipated that penalties otherwise provided by law for manifest discrepancies may be incurred if the discrepancy exceeds one percent. Reports of discrepancies would be made by the carrier (or its agent), and the importer following the procedure set forth in sections 4.12(a) and (c).

The amount actually imported is the amount which is to be used for statistical purposes.

4. Section 151.43(a) provides that the acceptance of public gauger quantity reports of imported petroleum and petroleum products is discretionary with the district director. To aid Customs in maintaining proper control over the gauging of imported petroleum and petroleum products, it is proposed to amend this section to permit acceptance of these reports for shore tank gauging and closing carrier ullages, if Customs independently employs as a second

method of control, one of the other methods described in section 151.42(a), and there is no evidence that the public gauger has failed to comply with the provisions of Part 151, Subpart C, of the regulations.

5. Section 151.43(b) provides that in applying for Customs public gauger approval, an applicant must agree to avoid conflict-of-interest situations. However, there is no requirement that, after approval, gaugers inform Customs of any change of name, address of principal place of business, ownership, or financial condition, or, if a corporation, of any change in its articles of incorporation, officers, directors, or parent-subsidiary relationship. Consequently, it is proposed to amend § 151.43(b) to require approved public gaugers to notify the Commissioner in writing within 60 days of any of the changes specified above.

To ensure that public gaugers carry out their responsibilities and that their operations are not subject to improper influence, it is proposed that they be required to notify Customs of any (1) effort to influence or otherwise impede the performance of their duties in connection with proper gauging of petroleum or petroleum products, or (2) attempt to coerce them fraudulently to change or falsify records maintained by them in the course of their employment.

6. Section 151.43(d) provides that a public gauger's Customs approval may be revoked for failure to comply with the provisions of that section but does not provide for the imposition of any other sanction. To provide sanctions other than revocation, it is proposed to amend this section to permit Customs to suspend approval or to assess liquidated damages under the public gauger bond described in section 113.13(b), Customs Regulations (19 CFR 113.13(b)).

7. Section 151.43(e)(1) provides that to be approved by Customs, all measuring and testing devices in use in a public gauger's operation shall be maintained in first-class condition. To clarify that automatic sampling devices also are covered, it is proposed to amend section 151.43(e)(1) to include automatic sampling devices with measuring and testing devices.

8. Section 151.43(e)(3) requires that as a condition of approval, public gaugers authorized to sign gauging reports must have a minimum of 6 months on-the-job training and experience. To ensure compliance with this rule, it is proposed to amend section 151.43(e)(3) to require that public gaugers provide Customs with written certification of their training and experience.

9. The regulations do not require that a public gauger maintain records for

Customs inspection pertaining to the measurement, gauging, testing, or sampling of imported petroleum or petroleum products performed in the course of his employment, nor for Customs verification of any other records kept by him in the normal course of business. To obtain the most reliable petroleum import statistics possible, it is proposed to add new subsections (g) and (h) to section 151.43, establishing a recordkeeping requirement for public gaugers and providing a procedure for verification of these records by Customs.

10. Part 151, Subpart C, provides that Customs approval of a public gauger may be revoked for failure to comply with any of the provisions of that subpart. However, it is silent as to the public gauger's rights in such situations. Accordingly, it is proposed to add a new subsection (i) to § 151.43, to provide an approved public gauger with due process before any revocation or suspension of his approval by Customs.

11. It is proposed to add a new subsection (j) to § 151.43 to state that in addition to (1) any penalty otherwise provided by law which may be incurred for failure to comply with the provisions of Part 151, Subpart C, or (2) any sanction which may be imposed against a public gauger approved by Customs under the provisions of that subpart, a monetary penalty also may be assessed under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), if appropriate.

12. Section 151.44(c) provides that whenever practicable, the district director may require that the measurements and calibrations shown on the gauge tables of petroleum storage tanks be verified by a Customs officer. Because a district director may deem verification necessary at a time when no qualified Customs officer is available, it is proposed to amend this section to permit the district director to accept an independent certification verifying these measurements and calibrations. The independent verification would be performed at the expense of the storage tank proprietor.

#### Proposed Editorial Changes

13. In §§ 144.37, 151.28, 159.21 and Part 151, Subpart C, variations of the word "gage" are used. Because the preferred nontechnical spelling of the word is "gauge", it is proposed that the regulations be amended to reflect this preference.

14. Part 151, Subpart C, refers to public gaugers as "licensed public gaugers". Because public gaugers are approved by Customs in accordance with § 151.43, and not "licensed" by a public authority in every case as the

regulations imply, the use of the word is inaccurate in this context. It is proposed, therefore, that all references to "licensed public gaugers" in Subpart C be changed to "public gaugers".

#### Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

#### Proposed Amendments

It is proposed to amend Parts 4, 144, 151, and 159, Customs Regulations, (19 CFR Parts 4, 144, 151, 159) in the following manner:

#### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

It is proposed to amend § 4.12 to read as follows:

##### § 4.12 Explanation of manifest discrepancy.

(a)(1) Vessel masters or agents shall notify the district director on Customs Form 5931 of Shortages (merchandise manifested, but not found) or overages (merchandise found, but not manifested) of merchandise.

(2) Shortages shall be reported to the district director by the master or agent of the vessel by endorsement on the importer's claim for shortage on Customs Form 5931 as provided for in § 158.3 of this chapter or within 60 days after the date of entry of the vessel, whichever is later. Satisfactory evidence to support the claim of nonimportation<sup>23</sup> or of proper disposition, or other corrective action (see section 4.34) shall be obtained by the master or agent and shall be retained in the carrier's file for one year.

(3) Overages shall be reported to the district director within 60 days after the date of entry of the vessel by completion of a post entry<sup>24</sup> or suitable explanation

of corrective action (see section 4.34) on the Customs Form 5931.

(4) The district director shall immediately advise the master or agent of those discrepancies which are not reported by the master or agent. Notification may be in any appropriate manner, including the furnishing of a copy of Customs Form 5931 to the master or agent. The master or agent shall satisfactorily resolve the matter within 30 days after the date of such notification or within 60 days after entry of the vessel, whichever is later.

(5)(a) Unless the required notification and explanation is made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss of revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for failing to so report), applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584); shall be assessed (see § 162.31 of this chapter). For purposes of this section, the term "clerical error" is defined as a non-negligent, inadvertent, or typographical mistake in the preparation, assembly, or submission of the manifest. However, repeated similar manifest discrepancies by the same parties may be deemed the result of negligence and not clerical error or other mistake. For the purpose of assessing applicable penalties, the value of the merchandise shall be determined as prescribed in § 162.43 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(b) Except as provided in paragraph (c) of this section, a correction in the manifest shall not be required in the case of bulk merchandise if the district director is satisfied that the difference between the manifested quantity and the quantity unladen, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of lading, or other similar reason. A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantity and description of the merchandise in such packages are correctly given.

does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to such employee as the Secretary of the Treasury shall designate and for failure so to do shall be liable to a penalty of \$500." (Tariff Act of 1930, sec. 440, as amended; 19 U.S.C. 1440)

(c) Manifest discrepancies (shortages and overages) of petroleum and petroleum products, shall be reported on Customs Forms 5931, signed by both the carrier and the importer, if the discrepancy exceeds one percent.

(R.S. 251, as amended, secs. 440, 584, 624, 48 Stat. 712, as amended, 740, as amended, 759 (19 U.S.C. 60, 1440, 1584, 1624))

It is proposed to amend Part 151, Subpart C, to read as follows:

#### PART 151—EXAMINATION, SAMPLING AND TESTING OF MERCHANDISE

##### Subpart C—Petroleum and Petroleum Products

###### § 151.41 Information on entry summary.

On the entry summary for petroleum or petroleum products in bulk, the importer shall show the API gravity at 60° Fahrenheit, in accordance with the current edition of the ASTM-IP Petroleum Measurement Tables (American Edition), published by the American Society for Testing and Materials. The appropriate unabridged table shall be used in the reduction of volume to 60° F. If the exact volumetric quantity cannot be determined in advance, the entry summary may be made for "— United States gallons, more or less", but in no case may the estimate vary by more than one percent from the gross quantity landed. The information required by this section also shall be shown on the entry summary permit if the entry summary is filed at the time of entry, and on each entry summary continuation sheet regardless of when the entry summary is filed.

###### § 151.42 Controls on unloading and gauging.

(a) *Methods of control.* Each district director may establish controls and checks on the unloading and measurement of petroleum and petroleum products imported by vessel, truck, railroad car, pipeline, or other carrier. Where possible, at least two of the following methods of control shall be employed:

(1) Use of Customs approved positive displacement meters at installations where provided by the importer;

(2) Use of Customs approved turbine-type meters at installations where provided by the importer;

(3) Taking of carrier ullages before and after discharge; or

(4) Shore tank gauging.

Customs officers will perform or witness ullaging and gauging as follows:

(i) Opening ullages of carriers.

(ii) Closing ullages of all carriers which have not completely discharged

<sup>23</sup> \* \* \* "If any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle or any person directly or indirectly responsible for any discrepancy between the merchandise and said manifest shall be subject to a penalty of \$500: *Provided*, That if the appropriate Customs officer shall be satisfied that the manifest \* \* \* is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred. \* \* \*, the term "clerical error" means a non-negligent, inadvertent, or typographical mistake in the preparation, assembly, or submission of the manifest. \* \* ." (Tariff Act of 1930, sec. 584, as amended; 19 U.S.C. 1584)

<sup>24</sup> "If there is any merchandise or baggage on board such vessel which is not included in or which



cargo or if an importer or carrier requests Customs to witness closing ullages due to special problems.

(iii) Shore tank gauges performed by company or related party employees.

(iv) Between 5 and 10 per cent of shore tank gauges conducted by public gaugers.

(v) Shore tank gauges, including those conducted by a public gauger, where no carrier ullages are taken.

(b) *Discrepancies.* Discrepancies (shortages and overages) shall be reported in the manner specified in section 4.12 of this chapter. If the discrepancy exceeds one percent, the master or other person in charge, or the owner of the vessel or vehicle, or any person directly or indirectly responsible for the discrepancy may be subject to the imposition of the appropriate penalty under section 460, 584, or 592, Tariff Act of 1930, as amended (19 U.S.C. 1460, 1584, 1592).

#### § 151.43 Public gaugers.

(a) *Acceptance of quantity reports.* Subject to such controls and checks as he may deem necessary, the district director may accept, for shore tank gauging and closing of carrier ullages, the reports of quantities of imported petroleum and petroleum products made by public gaugers approved by the Commissioner in accordance with this section, provided—

(1) Customs independently employs as a second method of control, one of the other methods described in section 151.42(a), and

(2) There is no evidence that the public gauger has failed to comply with the provisions of this subpart.

(b) *Application.* Any public gauger desiring approval shall submit an application, which may be in the form of a letter, to the Commissioner of Customs, Washington, D.C. 20229. The application shall contain or be accompanied by the following:

(1) The applicant's name, address, and ownership, and a statement of financial condition.

(2) If a corporation, a copy of its articles of incorporation, a list of its officers and directors, and details of any parent-subsidiary relationship.

(3) A detailed statement of the applicant's qualifications.

(4) The Customs district(s) for which approval is requested.

(5) A written agreement in the following form to avoid conflict-of-

interest situations and to comply with operating requirements prescribed by Customs:

#### Public Gauger Agreement

As conditions for the approval of this application, I undertake and agree:

(1) To have no financial interest in, or other connection (except for acceptance of the usual fees for gauging services) with, any business or other activity which might be considered to affect the unbiased performance of my duties as a public gauger for Customs purposes, in accordance with the standards and procedures approved by the Commissioner of Customs.

(2) To comply with the requirements of Part 151, Subpart C, Customs Regulations (19 CFR Part 151, Subpart C), and with any procedures prescribed by the Commissioner or district director of Customs pursuant to that subpart.

(3) To notify the Commissioner and district director of Customs in writing within 60 days of any change of name, address, ownership, or financial condition, and, if a corporation, of any change in its articles of incorporation, officers, directors, or parent-subsidiary relationship.

(4) To communicate immediately to the Commissioner and district director of Customs notice of any—

(i) Effort to influence, or otherwise impede, the performance of my duties in connection with the proper gauging of petroleum or petroleum products, or

(ii) Attempt to coerce me fraudulently to change or falsify records maintained in the course of my employment.

(6) A bond in the amount of \$10,000 to insure that the gauging will be in conformance with the approved standards and procedures, and with such procedures as may be prescribed by the district director pursuant to paragraph (f) of this section. The form of the required bond will be available from any district director.

(c) *Investigation of applicant.* The Commissioner shall direct the Office of Investigations to make such investigation as he deems necessary to determine the applicant's fitness and reputation, and to verify the correctness of the statements made in the application.

(d) *Notice of approval, disapproval, suspension, or revocation.* When the investigation is completed, the applicant will be advised of the approval of his application, or, if disapproved, of the reasons for such action. An approval may be suspended or revoked by the Commissioner for failure to comply with any of the provisions of this subpart, or liquidated damages may be assessed under the public gauger described in section 113.13(b) of this chapter. Notice of approvals or suspensions or revocations of approval will be

published from time to time in the Customs Bulletin.

(e) *Requirements for operations.* To be approved for Customs purposes, a public gauger's operations shall conform to the following requirements.

(1) All measuring and testing devices, including automatic sampling devices, in use shall be maintained in first-class condition. Each device shall be calibrated before the first use, and checked at regular intervals thereafter, against standards whose accuracy is traceable to standards issued by the National Bureau of Standards. In making calibrations and checks, the applicable methods of the American Society for Testing and Materials or the American Petroleum Institute shall be used.

(2) All gauging, testing, and sampling procedures shall be in conformance with published industry standards, such as those of the American Petroleum Institute or the American Society for Testing and Materials, and shall conform to such specific procedures as may be required by the district director in accordance with paragraph (f) of this section.

(3) Each public gauger authorized to sign gauging reports shall furnish Customs with a written certification that he has a minimum of 6 months on-the-job training and experience.

(4)(i) The public gauger shall investigate promptly any apparent irregularities, procedural difficulties, or indications of systematic bias called to his attention by the district director, or of which he otherwise may become aware, and immediately shall take corrective measures if indicated. The public gauger shall notify the district director of any such matter of which he may become aware.

(ii) The district director shall notify the Commissioner of each such matter that he brings to the attention of the public gauger, or which the public gauger brings to his attention, and of the corrective measures taken.

(f) *Procedures prescribed by district director.* The district director is authorized to prescribe general or specific procedures to be followed by each approved public gauger at each of the discharging facilities in the district.

(g) *Recordkeeping requirement.* Records of the public gauger of the type normally kept in the ordinary course of business, pertaining to the measurement, gauging, testing, and sampling of imported petroleum and petroleum products, shall be maintained for 5 years in accordance with sections 162.1a and 162.1c of this chapter.

(h) *Verification requirement.*

(1) *Compliance.* To ensure compliance with the provisions of this subpart and

accuracy and uniformity in the information submitted by public gaugers, the district director shall verify by integrity checks, audits, and, if necessary, investigations, the gauging operations in his district. Any discrepancy between the quantity reported by the gauger and the quantity found by Customs shall be resolved in favor of Customs unless the gauger produces clear and convincing evidence that Customs is in error.

(2) *Sanctions* If a public gauger's reports are repeatedly inaccurate to a significant degree, the gauger may be subject to sanctions in accordance with sections 151.43(d) and (i).

(i) *Suspension or revocation of Customs approval.*—(1) *Grounds.* Failure to comply with the provisions of this subpart may be grounds for suspension or revocation of Customs approval of a public gauger.

(2) *Notice.* The district director shall give written notice of the proposed suspension or revocation to the public gauger. The notice shall be in the form of a statement setting forth specific grounds for the proposed action and shall become final unless the public gauger files a written reply in accordance with paragraph (3) of this subsection. An information copy of the notice shall be forwarded by the district director to Headquarters.

(3) *Reply.* The public gauger may file a written reply with the district director within 10 days following receipt of the notice. An extension of time to reply beyond the 10-day period may be granted for good cause. The reply shall be filed in duplicate and shall set forth the response of the public gauger, including his answers to the allegations and rebuttal evidence, if any. The district director upon request, may allow an oral presentation as to why approval should not be suspended or revoked.

(4) *Action on reply.* If the district director determines that the allegations set forth in the notice have not been proved, he shall notify the public gauger that suspension or revocation no longer is contemplated, and the case shall be closed. Otherwise, the approval shall be suspended or revoked, in which case the district director shall notify the gauger that he may request review of the suspension or revocation by the Commissioner in accordance with paragraph (6). An information copy of the district director's action shall be forwarded to Headquarters.

(5) *Stay of suspension or revocation.* The decision of the district director to suspend or revoke approval shall be stayed until the time for the gauger to file a petition for review by Headquarters has passed and no action

has been taken on his part or, if a petition for review has been filed in accordance with paragraph (6), until Headquarters affirms the decision of the district director.

(6) *Review of suspension or revocation of approval.* Petitions for review of suspension or revocation of a public gauger's Customs approval by the district director shall be addressed to the Commissioner and filed in duplicate with the appropriate district director for transmission to Headquarters. Petitions for review shall be filed within 30 days from the date of suspension or revocation of approval and shall state the facts and circumstances relied upon by the petitioner in seeking review of the district director's order. The petition shall be reviewed by the Commissioner or his designee. Upon completion of the review, a written decision shall be forwarded to the district director for delivery to the public gauger.

(7) *Publication.* Notice of any final action by the district director or the Commissioner suspending or revoking approval of a public gauger shall be published in the Federal Register and the Customs Bulletin.

(j) *Penalties.* In addition to—

(i) Any penalty otherwise provided by law which may be incurred for failure to comply with the provisions of this subpart, or

(ii) Any sanction which may be imposed against a public gauger approved by Customs under the provisions of this subpart, a monetary penalty also may be assessed under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), if appropriate.

#### § 151.44 Storage tanks.

(a) *Plans and gauge tables.* When petroleum or petroleum products subject to duty at a specific rate per gallon are imported in bulk in tank vessels and are to be transferred into shore storage tanks, both the plans of each shore tank showing all outlets and inlets and the gauge table for each tank showing its capacity in U.S. gallons per inch or fraction of an inch of height shall be certified as correct by the proprietor of the tank. One set of these plans and gauge tables so certified shall be kept on file at the plant of the oil company and shall be available at all times to Customs officers. Another certified set of the shore tank plans and gauge tables shall be filed with the district director for use in verifying the Customs officers' reports. The district director may require such additional sets of shore tank plans, including subsidiary pipeline plans, and gauge tables as he may deem necessary. The storage tank proprietor shall maintain the plans and gauge tables for

3 years after discontinuing use of the storage tanks as bonded warehouses for the storage of imported petroleum or petroleum products.

(b) *Tags required on valves.* The inlet and outlet valves of each tank shall have tags of a permanent type affixed by the proprietor or lessee indicating the use of the valves.

(c) *Verification of gauge tables.* When ever practicable, the district director may require the measurement and calibrations shown on the gauge tables to be verified by a Customs officer. If no qualified Customs officer is available, the district director may accept an independent certification verifying the measurements and calibrations. The independent verification shall be performed at the expense of the storage tank proprietor.

#### § 151.45 Storage tanks bonded as warehouses.

(a) *Application.* Tanks for the storage of imported petroleum or petroleum products in bulk may be bonded as warehouses of class 2 if to be used exclusively for the storage of petroleum or petroleum products belonging or consigned to the owner or lessee of the tank. In addition to the documents and bonds required to be filed with the application to bond (see section 19.2 of this chapter), the certified plans and gauge tables required by section 151.43 shall be filed.

(b) *Removal of nonbonded petroleum.* If a bonded tank is not empty at the time the first importation of bonded petroleum or petroleum products is to be stored therein, the amount of nonbonded petroleum or petroleum products in the tank shall be withdrawn by the proprietor as soon as possible. The request to withdraw shall be in the form of a letter and no formal withdrawal need be filed. Domestic or duty-paid petroleum or petroleum products shall not thereafter be stored in the tank as long as the tank remains bonded.

(c) *Information on warehouse withdrawal.* Warehouse withdrawals of petroleum or petroleum products from bonded tanks shall show the information specified in section 151.41, as well as the designation of the tank from which the merchandise is to be withdrawn. Such withdrawals may be made for "— U.S. gallons, more or less", but in no case may the estimate vary by more than one percent from the gross quantity landed.

#### § 151.46 Allowance for excessive water and sediment.

Allowance for excessive moisture or other impurities in imported petroleum or petroleum products shall be made in



accordance with section 158.13 of this chapter for the quantity of water and sediment, established to be in excess of that usually found in such merchandise, as set forth in the following table:

Merchandise	Quantity (percent)
Crude petroleum	0.3
Petroleum products having an API gravity at 60° of less than 22°	0.5
22° to 30°	0.3
More than 30°	0.0

(Sec. 507, 46 Stat. 732 (19 U.S.C. 1507)) (R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14 (19 U.S.C. 66, 1202 (Gen. Hdnates. 11, 12), 1624))

§ 151.47 Entered quantities of petroleum or petroleum products released under entry or immediate deliver.

(a) *Optional entry of net quantity landed.* As an alternative to stating on the entry summary the gross quantity of petroleum or petroleum products released under the immediate delivery procedure in § 142.21 of this chapter, or under the entry documentation in § 142.3(a), the importer may file an entry summary for the net quantity of petroleum or petroleum products landed. The net quantity shall be determined by deducting the quantity of sediment and water present in excess of 0.3 percent, as reported in a laboratory test made by an independent commercial laboratory which has been approved by the Commissioner. The commercial laboratory report shall be filed with the entry summary.

(b) *Approval of independent commercial laboratories.* Applications of independent commercial laboratories for approval of the use of their tests in determining the net landed quantity of petroleum or petroleum products shall be sent to the Commissioner of Customs, Washington, D.C. 20229. For the purposes of this section, the approval of a public gauger by the Commissioner in accordance with § 151.43 shall constitute approval of the commercial laboratories operated by the public gauger as a part of the services rendered by him for his customers.

(c) *Use of Customs laboratory tests for liquidation.* Where there is a difference between the quantity reported by the Customs laboratory and the quantity reported by the approved independent commercial laboratory, the results of the Customs laboratory test shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license, unless the difference is within the limits set forth in paragraph (d) of this section.

(d) *Use of commercial laboratory tests for liquidation.* The quantity

reported by the approved independent commercial laboratory shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license if the difference between the commercial laboratory test and the Customs laboratory test do not exceed the differences set forth in the following table (adapted from ASTM Designation D1796, Fig. 3):

Percentage of water and sediment found by Customs laboratory	Difference <sup>1</sup>
0.05 to 0.50	0.1
0.51 to 1.50	0.2
More than 1.50	0.3

<sup>1</sup>Maximum percentage allowable.

(Sec. 507, 46 Stat. 732, 19 U.S.C. 1507)

#### Editorial Changes

In sections 144.37, 151.28, and 159.21, the spelling of the words "gage" and "gauging" is changed to "gauge" and "gaging", respectively, wherever the words appear.

#### Authority

These amendments are proposed under the authority of R.S. 251, as amended, sections 2, 3, 23 Stat. 118, as amended, 119, as amended, section 624, 46 Stat. 759, as amended, section 101, 76 Stat. 72, 77A Stat. 14, 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnates 11, 12, Tariff Schedules of the United States), 1623, 1624.

#### Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

The present situation requires that the implementation of this proposal be expedited so that these rules can be in effect as soon as possible. It therefore is considered impractical and contrary to the public interest to permit a 60-day period for public comments. Accordingly, the period within which comments are to be submitted is 30 days from the date of publication of this proposal in the Federal Register, instead of the 60 days ordinarily required by Executive Order 12044 of March 23, 1978 (43 FR 12661) and the implementing

Treasury Department directive of November 2, 1978 [43 FR 52120].

R. E. Chasen,  
Commissioner of Customs.

Approved: Nov. 1, 1979  
Richard J. Davis,  
Assistant Secretary of the Treasury.  
[FR Doc. 79-34330 Filed 11-6-79; 8:45 am]  
BILLING CODE 4810-22-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[FRL 1352-7]

#### Proposed Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** On November 9, 1978, the Administrator approved as a revision of the West Virginia State Implementation Plan (SIP), amendments to the Commonwealth's Regulation X dealing with sulfur dioxide (SO<sub>2</sub>) emissions from electric power generating plants. In response to petitions for review to the Third Circuit Court of Appeals, EPA has reconsidered the air quality impact of the revised emission limits for two power stations affected by the amendments. On the basis of its reconsideration, EPA now proposes to approve the revision.

**DATE:** Comments must be submitted on or before December 7, 1979.

**ADDRESSES:** Copies of the documentation in support of the proposed rule are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency,  
Region III, Air Programs Branch, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106. Attn: Mr. William Belanger.

Public Information Reference Unit, Room 2022, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments on the proposed revision submitted by December 7, 1979, will be considered and should be directed to:

Mr. Howard R. Heim, Chief, Air Programs Branch (3AH10), Air, Toxics & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106. Attn: AH007WV.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Belanger (3AH13), Air Programs Branch, U.S. Environmental

Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106; phone (215) 597-8188.

**SUPPLEMENTARY INFORMATION:** On November 9, 1978, (43 FR 52239) the Administrator approved as a revision to the West Virginia SIP, amendments to the Commonwealth Regulation X, which deals with sulfur dioxide emissions from electric power plants. Among other actions, the revisions would allow increases in emissions from the Harrison and Mitchell generating stations. The approval was based on the determination by EPA that the relaxation of emission limitations would not interfere with attainment or maintenance of the National Ambient Air Quality Standard for sulfur dioxide. This determination was based on air pollution modeling conducted by EPA. This modeling incorporated an analysis of the Harrison plant based on a "Good Engineering Practice" stack height as mandated by Section 123 of the Clean Air Act, but the approval of the limitation for the Harrison plant was for a period of one year, or until EPA promulgated final regulations implementing Section 123, whichever came first.

On January 3, 1979 and January 5, 1979, the Commonwealth of Pennsylvania and the Council of Senior West Virginians, *et al.*, filed in the U.S. Court of Appeals for the Third Circuit petitions for review of EPA's final rulemaking action of November 9, 1978. On July 9, 1979, EPA requested the Court remand to the agency two issues raised by the petitioners. EPA sought to reconsider the air quality impact of the revised emission limitation for the Harrison and Mitchell stations in light of all meteorological data available, and to consider the impact of Harrison on the Prevention of Significant Deterioration (PSD) increments. The Court granted EPA's motion on July 10, 1979 and stayed further action pending EPA's reassessment of its earlier action. EPA agreed to propose a rule governing these power stations by October 8, 1979. Due to difficulties in completing its analysis, EPA requested and received from the court an extension to November 7, 1979. In addition, West Virginia asked EPA to propose a permanent emission limit for the Harrison station as final regulations under Section 123 have not been issued.

EPA has conducted new modeling for the Harrison and Mitchell plants. The modeling was conducted utilizing the CRSTER Model for areas within 50 kilometers of the plants and two independent approaches for the Class 1 PSD areas which are more distant. A

formal statistical analysis was performed to account for fuel variability as a means of realistically evaluating the impact of the plant in light of the uniquely extensive record of meteorological conditions during nine years. The results of the modeling shows no expected violations of any of the SO<sub>2</sub> air quality standards during the useful life of the plants. The modeling also shows that the Harrison plant will consume less than the available PSD increment. Modeling was also performed for receptors within the Commonwealth of Pennsylvania and it was found that emissions from the plants will not prevent attainment of the SO<sub>2</sub> standards in Pennsylvania. All modeling for the Harrison station assumed good engineering practice stack height, and EPA proposes to make the proposed Regulation X amendments permanent.

This notice is to announce the results of the new modeling, and to provide a 30-day comment period before it is decided whether to approve the earlier revisions to Regulation X (previously approved November 9, 1978) concerning the Mitchell and Harrison power stations as a revision to the West Virginia State Implementation Plan. Therefore, the public is invited to submit to the address stated above, comments on whether to approve this proposed rule as a revision of the West Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the order or whether it may follow other specialized development procedures. EPA labels these and other regulations as "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401-7642)

Dated: October 29, 1979.

Alvin R. Morris,  
Acting Regional Administrator.

[FR Doc. 79-34447 Filed 11-6-79; 8:45 am]

BILLING CODE 6560-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 31, 33, 42 and 43

[CC Docket No. 78-196]

#### Revision of Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies; Second Supplemental Service List

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of Second Supplemental Service List.

**SUMMARY:** The Notice adds several names to previously established service list for the proceeding revising Uniform System of Accounts for telephone companies. (CC Docket 78-196).

**DATES:** Non-Applicable.

**ADDRESSES:** 1919 M Street NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Douglas L. Slotten, (202) 632-9342.

Released: October 30, 1979.

In the matter of revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies (Parts 31, 33, 42 and 43 of the FCC's rules, CC Docket No. 78-196).

1. On July 21, 1978, the Commission adopted a notice of proposed rulemaking, FCC 78-453, 43 FR 33560 (1978), in the above-captioned proceeding. The Commission issued a *Notice*, Mimeo No. CC 5417, 44 FR 13051 (March 9, 1979), establishing a service list for this proceeding. On August 9, 1979, the Commission issued a *First Supplemental Notice of Proposed Rule Making*, FCC 79-479, 44 FR 47359, which contained a supplemental service list as Appendix A. These two service lists should be supplemented with the following:

Mr. John E. McGill, Director, Regulatory Affairs, Alascom, Inc., 949 East 36th Avenue, Pouch 6607, Anchorage, Alaska 99502.

Mary L. Hartz, Secretary, State of Minnesota Department of Public Service, 7th Floor American Center Bldg., Kellogg & Roberts Sts., Saint Paul, Minnesota 55101.

Edwin B. Spievack, Esq., Martin I. Levy, Esq., Cohn & Marks, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036, Counsel for North American Telephone Association, Inc.

Joel B. Shifman, Esq., Public Service Commission of West Virginia, Room E-214, Capitol Building, Charleston, West Virginia 25305.

Additionally, the following change in representation has occurred and should

be reflected in the service list of future pleadings.

Joseph M. Kittner, Esq., McKenna, Wilkinson & Kittner, 1150 Seventeenth Street, NW., Washington, D.C. 20036, Counsel for Ad Hoc Telecommunications Users Committee.

Taken together the three lists constitute the revised service list for this proceeding. Parties to this proceeding should serve a copy of all pleadings they file on the persons named in the revised service list. Additionally, any party filing for the first time in this proceeding should be included on the service list by the parties and served with copies of pleadings in future rounds of comments. At least one copy per party should be served on those firms representing more than one party.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 79-34404 Filed 11-8-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[Docket No. BC 79-290; RM 3438]

#### FM Assignment to Vandalia, Missouri (§ 73.202)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of Proposed rulemaking.

**SUMMARY:** Action taken herein proposes the assignment of a Class A FM channel to Vandalia, Missouri, at the request of Roger C. Elliott. The proposed assignment would provide for a first local aural broadcast service to the community.

**DATES:** Comments must be filed on or before December 26, 1979, and reply comments must be filed on or before January 15, 1980.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Vandalia, Missouri) BC Docket No. 79-290, RM-3438. *Notice of Proposed Rulemaking*

Adopted: October 26, 1979.

Released: October 30, 1979.

By the Acting Chief, Policy and Rules Division:

#### 1. Petitioner, Proposal, Comments:

(a) A petition for rule making was filed by Roger C. Elliott ("petitioner"), proposing the assignment of FM

Channel 261A to Vandalia, Missouri, as its first FM assignment.<sup>1</sup>

(b) The channel could be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states he will file for the channel, if assigned.

#### 2. Community Data:

(a) *Location:* Vandalia, in Audrain County, is located approximately 129 kilometers (80 miles) northwest of St. Louis, Missouri.

(b) *Population:* Vandalia-3,160; Audrain County-25,362.<sup>2</sup>

(c) *Local Aural Broadcast Service:*

There is no local aural broadcast service in Vandalia.

3. *Economic Data:* Petitioner asserts that Vandalia is situated in an agricultural area in which there are also several industries, among them garment manufacturing and aluminum products. He notes that there has been an upward trend in retail sales in Vandalia during the past five years. Petitioner states the proposed station could be used to provide an outlet for the problems and needs of the community. He has submitted demographic information with respect to Vandalia in an effort to demonstrate the need for an FM assignment.

4. In view of the apparent need for a first local aural broadcast service in Vandalia, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Vandalia, Missouri:

City	Channel No.	
	Present	Proposed
Vandalia, Missouri		261A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 26, 1979, and reply comments on or before January 15, 1980.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, member of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to

<sup>1</sup>Public Notice of the petition was given on August 17, 1979, Report No. 1188.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Acting Chief, Policy and Rules Division  
Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such

comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-34327 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 90

[PR Docket No. 79-191; RM-3380]

#### Designating Frequencies in the 806-821 and 851-866 MHz Bands for Slow Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies

AGENCY: Federal Communications Commission.

ACTION: Order Extending Time for Filing Comments in PR Docket 79-191.

SUMMARY: In response to a request, the Commission is extending the time for filing comments on its proposed rulemaking designating frequencies in the 806-821 and 851-866 MHz bands for slow growth land mobile radio systems of utilities and public safety agencies. DATES: Comments must be received on or before December 3, 1979 and Reply Comments must be received on or before January 10, 1980.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau (202) 632-6497

In the matter of amendment of Part 90 of the Commission's Rules to designate frequencies in the 806-821 and 851-866 MHz bands for slow growth land mobile radio systems of utilities and public safety agencies; Order extending time for filing comments; [44 FR 50876]. Adopted: October 25, 1979.

Released: October 30, 1979.

By the Chief, Private Radio Bureau: 1. The Utilities Telecommunications Council (UTC) has requested an extension of time until December 3, 1979, within which to file comments in the above entitled matter. It also requested that the date for filing reply comments be extended to at least January 3, 1980. Comments and reply comments are now due November 1,

1979, and December 3, 1979, respectively.

2. In support of its request, UTC states that there are a number of issues posed in this proceeding including the relationship of the amount of conventional frequencies and trunked frequencies, those situations in which trunked systems are technically feasible and when they are not, as well as other related issues such as the relationship of the size of the area of coverage to the need for trunked or conventional systems.

3. A Task Force was established by UTC to study the issues involved. UTC claims that it is now apparent that the results of these studies cannot be completed and submitted by the November 1, 1979, filing date.

4. It appears that good cause has been shown and that the public interest would be served by granting an additional period of time in order to afford the petitioner and other interested parties a full opportunity for the preparation and presentation of their views in this proceeding.

5. Accordingly, IT IS ORDERED, pursuant to §§ 0.331 and 1.46 of the Commission's Rules, that the time for filing comments in the above-captioned proceeding is EXTENDED from November 1, 1979, to December 3, 1979, and for filing reply comments from December 3, 1979, to January 10, 1980.

Federal Communications Commission.

Carlos V. Roberts,  
Chief, Private Radio Bureau.

[FR Doc. 79-34385 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 97

[PR Docket No. 79-285; RM-3207; RM-3313; FCC 79-672]

#### Eliminating Applicability From the Six Meter Frequency Band (50-54 MHz)

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Commission issues a Notice of Proposed Rule Making which proposes to allow frequency modulation telephony (F3) operation with more than 6 kHz over a greater segment of the 50 to 54 MHz (6 meter) amateur radio band. Deletion of the 6F3 limitation from the 6 meter band would offer much more flexibility for the amateur radio community.

DATES: Comments must be received on or before December 10, 1979 and Reply Comments must be received on or before December 26, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Federal Communications Commission, Private Radio Bureau, Personal Radio Branch, Roy C. Howell (202) 254-6884.

In the matter of amendment of § 97.65(c) of the Commission's rules and regulations governing the Amateur Radio Service.

Adopted: October 25, 1979.

Released: October 31, 1979.

By the Commission:

1. On September 11, 1978, the Southern California Repeater and Remote Base Association (SCRRBA) petitioned for amendment of Part 97 in RM-3207 to allow frequency modulation telephony (F3) operation having an occupied bandwidth with more than 6 kHz over a greater segment of the 50 to 54 MHz (6 meter) amateur radio band. Subsequently, on January 16, 1979 the American Radio Relay League (ARRL) petitioned for a similar, but not identical, rule change in RM-3313.

2. Frequency modulation is permitted now from 50.1 to 54 MHz (§ 97.61(a)), along with A1, A2, A3, A4, A5, F1, F2 and F5. However, § 97.65(c) requires "... between 50.1 and 52.5 MHz, the bandwidth of an F3 emission (frequency or phase modulation) shall not exceed that of A3 emission having the same audio characteristics . . .". Since an A3 emission (amplitude modulation telephony), in this instance is normally considered to occupy a bandwidth of approximately 6 kHz, F3 operation between 50.1 and 52.5 MHz is limited to an occupied bandwidth of 6 kHz (6F3).

3. In support of its request, SCRRBA states that permitting occupied bandwidths greater than 6F3 would result in increased occupancy between 52 and 52.5 MHz by amateur stations using repeaters. Moreover, they claim it is possible some non-repeater operation using 16F3 (16 kHz occupied bandwidth standard) would occur between 51 and 52 MHz. SCRRBA requests the 6F3 limitation be stricken entirely from applicability to the 6 meter band.

4. Numerous comments were filed in support of SCRRBA's petition by various amateur radio groups. However, the Six Meter International Radio Club filed comments claiming the proponents of RM-3207 have overlooked the rapid expansion in single sideband operation (A3) in the six meter band. They question the need for additional repeater operation.

5. In support of its request, ARRL also states that permitting occupied bandwidths greater than 6F3 would permit "... the fullest possible

use . . . of the repeater subband 52.0-54.0 MHz . . .". ARRL requests the 6F3 lower limit be moved only from 52.5 MHz to 52.0 MHz. Comments from amateur radio groups were also filed in support of the ARRL petition, including comments from SCRRBA. However, SCRRBA takes exception to the ARRL's proposed new lower limit of 52 MHz, stating they strongly believe 52 MHz is not appropriate. They argue that a more useful lower limit would be 51 MHz, and go on to reiterate their own proposal (RM-3207), for striking the 6F3 limitation from applicability to the 6 meter band. They state they " . . . seek the same flexibility for usage of this band as ARS (Amateur Radio Service) operators enjoy on the frequency bands above 144 MHz". The 6F3 limitations does not apply to these bands. SCRRBA also claims the ARRL petition would " . . . not facilitate the optimum utilization for this frequency band".

6. We believe that deletion of the 6F3 limitation from the 6 meter band would offer much more flexibility for the amateur radio community. As technology and interest in the many types of modulation schemes evolves, resolving sharing arrangements by the participants themselves would seem to be the most expeditious means for fulfilling the purposes of the service. Apparently, such has been the case on the 144 MHz, 220 MHz, and 420 MHz amateur radio frequency bands. This should also be the case for the 6 meter band. For the most part, 50 MHz has many of the characteristics of the higher frequency bands. For these reasons, the Commission proposes to amend § 97.65(c), as shown in the Appendix, to delete the 6F3 limitation from the 6 meter band. Comments on the amateur radio operators' ability to effectively resolve sharing arrangements, in this instance, are particularly invited. The Commission also proposes to delete the phase " . . . and the purity of emissions shall comply with the requirements of § 97.73" in the interest of eliminating redundancy. The purity and stability requirements would remain in effect, as stated in § 97.73.

7. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before December 10, 1979, and reply comments on or before December 26, 1979. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

9. For further information concerning this rule making, contact Roy C. Howell, Rules Division, Private Radio Bureau, Federal Communications Commission, Washington, DC. 20554, (202) 254-6884.

Federal Communications Commission.  
William J. Tricarico,  
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In section 97.65, paragraph (c) is modified to read:

**§ 97.65 Emission Limitations.**

(c) On frequencies below 29.0 MHz the bandwidth of an F3 emission (frequently or phase modulation) shall not exceed that of an A3 emission having the same audio characteristics.

[FR Doc. 79-34458 Filed 11-6-79; 8:45 am]  
BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 661

### Gulf of Mexico Fishery Management Council; Public Hearings

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice of Public Hearings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Draft Environmental Impact Statement/Draft Fishery Management Plan.

**DATES:** Written comments on the shrimp plan from members of the public may be submitted no later than December 18, 1979.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

November 26, 1979; Brownsville, Texas  
November 28, 1979; Cameron, Louisiana  
November 27, 1979; Corpus Christi, Texas  
November 27, 1979; Delcambre, Louisiana  
November 28, 1979; Freeport, Texas  
November 28, 1979; Houma, Louisiana  
November 29, 1979; New Orleans, Louisiana  
December 5, 1979; Foley, Alabama  
December 5, 1979; Bayou LaBatre, Alabama  
December 6, 1979; Biloxi, Mississippi  
December 10, 1979; Panama City, Florida  
December 10, 1979; Cocoa, Florida  
December 10, 1979; Wilmington, North Carolina  
December 11, 1979; Tampa, Florida  
December 11, 1979; Jacksonville, Florida  
December 11, 1979; Wilmington, North Carolina  
December 12, 1979; Ft. Myers, Florida  
December 12, 1979; Darien, Georgia  
December 12, 1979; Charleston, South Carolina  
December 13, 1979; Beaufort, South Carolina  
All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

**ADDRESS:** Send comments to: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

#### HEARING LOCATIONS:

November 26, 1979—Stillman Town Hall, 600 International Boulevard, Brownsville, Texas.  
November 28, 1979—Cameron Elementary School Auditorium, Highway 82, Cameron, Louisiana.  
November 27, 1979—Texas A & M Research and Extension Center, Highway 44, Corpus Christi, Texas.  
November 27, 1979—DVO Hall, Highway 14 West, Delcambre, Louisiana.  
November 28, 1979—Brazosport High School Auditorium, Freeport, Texas.  
November 28, 1979—City Auditorium, 880 Berret Street, Houma, Louisiana.  
November 29, 1979—Chamber of Commerce Auditorium, 301 Camp Street, New Orleans, Louisiana.  
December 5, 1979—Foley High School Auditorium, 201 North Pine, Foley, Alabama.

December 5, 1979—Alba High School Cafeteria, Bayou LaBatre, Alabama.

December 6, 1979—Biloxi Cultural Center, 117 Lameuse Street, Biloxi, Mississippi.

December 10, 1979—City Commissioners Meeting Room, 9 Harrison Avenue, Panama City, Florida.

December 10, 1979—James T. Oxford, Agricultural Center Auditorium, 1125 W. King Street, Cocoa, Florida.

December 10, 1979—North Carolina, Marine Resources Center, Ft. Fisher, Wilmington, North Carolina.

December 11, 1979—Curtis Hixon Convention Hall, Ybor Room, 600 Ashley Street, Tampa, Florida.

December 11, 1979—University of North Florida, Building 9 Auditorium, 4567 St. John's Bluff Road, South, Jacksonville, Florida.

December 11, 1979—North Carolina, Marine Resources Center, Ft. Fisher, Wilmington, North Carolina.

December 12, 1979—Ft. Myers Exhibition Hall, Edwards Drive and Hendry Street, Ft. Myers, Florida.

December 12, 1979—McIntosh County Courthouse, Courtroom, Darien, Georgia.

December 12, 1979—South Carolina, Wildlife and Marine Resources Department, Ft. Johnson, Charleston, South Carolina.

December 13, 1979—Armory, 1500 Rogers Street, Beaufort, South Carolina.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228-2815.

**SUPPLEMENTARY INFORMATION:** The hearings will deal with a proposal to implement a shrimp fishery management plan in the Gulf of Mexico, under authority of the Fishery Conservation and Management Act of 1976 (FCMA).

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. A fishery management plan constitutes a major Federal action significantly affecting the human environment and requires the approval of the Secretary of Commerce prior to implementation.

The draft plan for shrimp, when approved, will serve to manage the shrimp fishery for optimum yield (OY) and, therefore, contains regulatory measures applicable to domestic fishing. The management area is the Gulf of Mexico in the fishery conservation zone (FCZ).

Species addressed in the draft plan include brown shrimp, white shrimp, pink shrimp, and royal red shrimp. This also includes seabobs and rock shrimp which are incidental catch.

The draft plan is intended to accomplish the following objectives:

a. optimization of the yield from shrimp recruited to the fishery;

b. encouragement of habitat protection measures to prevent undue loss of shrimp habitat;

c. coordination of the development of shrimp management measures by the Gulf of Mexico Fishery Management Council with shrimp management programs of the several States where feasible;

d. promote consistency with the Endangered Species Act and the Marine Mammal Protection Act;

e. minimization of the incidental capture of finfish by shrimpers when appropriate;

f. minimization of conflicts between shrimpers and stone crab fishermen;

g. minimization of the adverse effects of underwater obstructions to shrimp trawling; and

h. provision for a statistical reporting system.

OY is defined as: All the shrimp that can be taken during open season in permissible areas in a given fishing year with existing gear and technology. A numerical value for OY cannot be calculated for any given year until the environmental factors can be determined and evaluated. Fishing will not be stopped if OY is reached. The probable catch for brown, white, and pink shrimp is estimated to be 216 million pounds.

The expected domestic annual harvests (DAH's) for these three species for 1980 and 1981 are 211 and 218 million pounds respectively. Seabobs and rock shrimp are caught incidentally to other shrimp—seabobs mainly with white shrimp and rock shrimp with pink shrimp. Because there is no surplus available for any of these species, there is no foreign allowable catch.

Royal red shrimp are harvested from grounds believed to contain at least five year classes. The OY is set at 392,000 pounds (tails). The expected DAH for royal red shrimp is 248,000 pounds for 1980 and 260,000 pounds for 1981, leaving a surplus of 146,000 pounds in 1980 and 132,000 pounds in 1981, available as a total allowable level of foreign fishing.

The Council proposes management measures which include the following:

1. Establishment of a shrimp nursery area in the FCZ in which no shrimp trawling is to be permitted adjacent to Florida's Dry Tortugas nursery area.

2. Establishment of a seasonally closed area for shrimping in the FCZ adjacent to Florida's west coast to avoid gear conflict with stone crab fishermen.

3. Establishment of a seasonal closure of the FCZ off Texas to shrimping to coincide with the Texas closure of its territorial sea.

4. Required reporting of fishermen and processors.

5. Review of proposed projects to prevent degradation of shrimp habitat or obstruction in trawlable bottoms.

6. Recommendation that States adopt flexible legal arrangements for coordinated management with other States and in the FCZ.

7. Recommendation that States identify and consider closing to shrimping those nursery areas where most shrimp are too small to use.

8. Encourage development of fishing gear to reduce unwanted incidental catch without decreasing shrimping efficiency.

Dated: November 2, 1979.

Winfred H. Meibohm,  
Executive Director, National Marine Fisheries Service.

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BILLING CODE 3510-22-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-5724]

### National Flood Insurance Program; Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for



selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The

community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed based (100-year) flood elevations for selected locations are:

#### Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Borough of Blossburg, Tioga County.	Tioga River	Downstream Corporate Limits	*1,297
			Hospital Road (upstream)	*1,313
			Main Street (downstream)	*1,327
			Main Street (upstream)	*1,331
			Williamson Road (upstream)	*1,353
			Gulick Street (downstream)	*1,384
			Gulick Street (upstream)	*1,390
		Johnson Run	Upstream Corporate Limits	*1,399
			Confluence with Tioga River	*1,335
			Tabor Street (upstream)	*1,360
			Limit of Detailed Study	*1,379

Maps available at: The Township Building.

Send comments to: Mr. Edwin Isaacson, III, Mayor of Blossburg, 206 Main Street, Blossburg, Pennsylvania 16312.

Pennsylvania	Township of Buffalo, Perry County.	Board Run	State Routes 322 and 22	*378
			Private Drive (1,480 feet above corporate limits) (upstream)	*368
			Private Drive (1,720 feet above corporate limits) (upstream)	*366
			Confluence of Acker Run	*403
			Private Road Extended (3,320 feet above corporate limits)	*415
			Private Road Extended (4,560 feet above corporate limits)	*430
		Acker Run	Limit of Detailed Study (5,420 feet above corporate limits)	*444
			LR 50018 (upstream)	*404
			LR 50045 (downstream crossing)	*432
			TR 502 (upstream)	*450
		Bucks Run	LR 50045 (upstream crossing)	*456
			U.S. Routes 11 and 15	*378
			Private Road (upstream)	*384
			Confluence of Tributary A to Bucks Run	*396
		Tributary A to Bucks Run	Center Road (1st crossing) (upstream)	*443
			Center Road (2nd crossing) (upstream)	*498
			Limit of Detailed (300 feet downstream of Bucks Church Road)	*433
			Confluence with Bucks Run	*336
			Road to Midway (upstream)	*437
			Meadow Grove Road (downstream crossing) (upstream)	*465
		Hunters Run	Meadow Grove Road (upstream crossing) (upstream)	*502
			Limit of Detailed Study (6,260 feet above confluence with Bucks Run) (upstream)	*529
			U.S. Routes 11 and 15	*382
			LR 50041 (upstream)	*387
			Hunters Church Road (upstream)	*462
		Susquehanna River	LR 50041 (upstream)	*516
			LR 50040 (upstream)	*589
			Limit of Detailed Study (23,360 feet above confluence with Susquehanna River)	*597
			Downstream Corporate Limits	*376
			Confluence of Hunters Run (1,550 feet upstream of corporate limits)	*381
			Upstream corporate limits	*390

Maps available at: The Township Building.

Send comments to: Mr. Ralph Lindsay, Chairman of the Township of Buffalo, R.D. 2, Liverpool, Pennsylvania 17045.

Pennsylvania	Township of Catharine, Blair County.	Frankstown Branch, Juniata River	At Conrail (0.7 mile above Limit of Detailed Study)	*770
			At Conrail (1.3 miles above Limit of Detailed Study)	*780
			At Upstream Conrail (5.3 miles above Limit of Detailed Study)	*827
			At Upstream Conrail (5.0 miles above Limit of Detailed Study)	*833
			At Upstream Legislative Route 260	*854
			At Pennsylvania Electric Company Dam	*860
			At State Route 866	*867

Maps available at: The residence of Mr. George Brenneman, R.D. 1, Williamsburg, Pennsylvania.

Send comments to: Mr. George Brenneman, Chairman of the Board of Supervisors of Catharine, R.D. 1, Williamsburg, Pennsylvania 16630.

Pennsylvania	Borough of Cheswick, Allegheny County.	Allegheny River	Downstream corporate limits	*478
			Upstream corporate limits	*478

Maps available at: The Borough Building.

Send comments to: Ms. Susan Parker, President of the Borough Council of Cheswick, 1411 Spruce Street, Cheswick, Pennsylvania 15024.



## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in foot (NGVD)
Pennsylvania	Borough of Columbia, Lancaster County.	Susquehanna River	Confluence of Strickler Run	*239
			State Route 462 (upstream)	*241
			U.S. Route 30	*244
		Tributary No. 11 to Susquehanna River	Corporate Limits	*248
			Seventh Street Culvert Inlet (upstream)	*333
			Eighth Street (extended)	*338
			Furnace Street (upstream)	*348
			Ninth Street	*358
		Tributary No. 12 to Susquehanna River	U.S. Route 30	*385
			Culvert Inlet Near Third and Linden Streets	*296
			Fourth Street (extended)	*300
			U.S. Route 30	*327
			Watertank Road (downstream)	*341
		Shawnee River	Approach Dirt Road (downstream)	*348
			Corporate Limits (upstream)	*348
			Confluence with Susquehanna River	*241
			State Route 441 (upstream)	*247
			Conrail (near Second Street) (downstream)	*259
			Conrail (near Second Street) (upstream)	*271
			Florence Street (upstream)	*276
			Lancaster Avenue	*292
			Upstream Conrail (downstream)	*307
			Upstream Conrail (upstream)	*312
		Tributary No. 1 to Shawnee River	Farm Road (downstream)	*345
			Corporate Limits	*358
			Conrail Culvert (upstream)	*297
			11th Street (extended)	*302
			Corporate Limits (near 12th Street extended)	*307
			Maileable Road (culvert) (upstream)	*329

Maps available at: The Borough Building.

Send comments to: Mr. Paul Myers, President of the Columbia Borough Council, 3rd and Locust Streets, Columbia, Pennsylvania 17512.

Pennsylvania	Borough of Conyngham, Luzerne County.	Tributary A	Corporate Limits	*823
			Brookhill Road Downstream	*837
			Brookhill Road Upstream	*945
		Little Nescopeck Creek	Corporate Limits	*954
			Corporate Limits	*895
			Hillside Road (Extended)	*902
			Butler Avenue Downstream	*911
			Corporate Limits Upstream	*914

Maps available at: The Borough Building.

Send comments to: Honorable F. W. George, Mayor of Conyngham, Conyngham, Pennsylvania 18219.

Pennsylvania	Township of Covington, Tioga County.	Tioga River	Downstream Corporate Limits	*1,174
			State Route 669 (downstream)	*1,178
			State Route 660 (Upstream)	*1,181
			(Downstream) Township of Putnam Corporate Limits	*1,187
			(Upstream) Township of Putnam Corporate Limits	*1,206
			Township Route 437 (extended)	*1,214
			Confluence of Marvin Creek	*1,224
			(Upstream) U.S. Route 15	*1,231
			Confluence of Tributary No. 1 to Tioga River	*1,250
			Intersection of Tan Creek and U.S. Route 15 (extended)	*1,264
			Confluence of Limekin Hollow Run (Upstream)	*1,288
			(Upstream) Corporate Limits (Downstream)	*1,297

\* Maps available at: Township Building.

Send comments to: Mr. George Hilfiger, Chairman of the Township of Covington, R.D. 1, Box 106, Covington, Pennsylvania 16917.

Pennsylvania	Borough of Duryea, Luzerne County.	Susquehanna River	Corporate Limit	*559
			Confluence of Tributary No. 1 to Susquehanna River	*562
			Upstream County Boundary	*584
		Lackawanna River	Confluence with the Susquehanna River	*559
			Upstream end of levee downstream from Stephenson Street	*563
			Stephenson Street	*566
			Extension of Fulton Street	*570
			Upstream end of levee approximately 1,000 feet downstream of County Boundary	*575
		Mill Creek	County Boundary	*584
			Downstream County Boundary	*639
			Conrail Culvert (downstream)	*636
			Conrail Culvert (upstream)	*642
			Upstream Corporate Limit	*642
			Ponded area east of Conrail Culvert near McAlpine Street	*653
			Ponded area in mining pit southwest of Conrail Culvert	*640
			Ponded area in mining pit northwest of Conrail Culvert	*639

Maps available at: The Borough Office.

Send comments to: Mr. Eugene Chromy, President of the Borough Council of Duryea, P.O. Box 5, Duryea, Pennsylvania 18642.

Pennsylvania	Township of Forks, Northampton County.	Bushkill Creek	Downstream Corporate Limits	*233
			Northwood Avenue	*265
			Bushkill Drive	*311
			Upstream Corporate Limits	*335

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
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		Delaware River	Downstream Corporate Limits	*198
			Upstream Corporate Limits	*207
Maps available at: The Township Building. Send comments to: Mr. Charles Churchman, Jr., Chairman of the Township of Forks, 1606 Sullivan Trail, Easton, Pennsylvania 18042.				
Pennsylvania	Township of Frankstown, Blair County.	Frankstown Branch, Juniata River	11,700 feet downstream Township Route 444	*877
			At Township Route 444 Downstream Side	*893
			At White Bridge Road Upstream Side	*916
			At Legislative Route 07011 Upstream Side	*922
			At Township Route 405	*927
			At Legislative Route 07012 Upstream Side	*932
		Canoe Creek	At U. S. Route 22	*886
			At Confluence of New Creek	*891
		New Creek	At Private Drive Upstream Side	*838
			At Legislative Route 07021 Upstream Side	*902
			1,540 feet upstream Legislative Route 07021	*907
			2,400 feet upstream Legislative Route 07021	*912
			4,020 feet upstream Legislative Route 07021	*917
			4,550 feet upstream Legislative Route 07021	*922
			5,240 feet upstream Legislative Route 07021	*927
			1.3 miles upstream Legislative Route 07021	*937
			1.55 miles upstream Legislative Route 07021	*947
			1.7 miles upstream Legislative Route 07021	*957
			1.9 miles upstream Legislative Route 07021	*967
		Brush Creek	At U. S. Route 22	*921
			At Private Drive (0.2 mile upstream U. S. Route 22)	*932
			At Legislative Route 07011 (Upstream Side)	*960
			At Township Route 424	*966
			At Legislative Route 07011 (0.2 mile upstream Route 424) Upstream Side	*1,003
			At Legislative Route 07011 (0.6 mile upstream Route 424) Upstream Side	*1,086
			At Legislative Route 07011 (0.9 mile upstream Route 424) Upstream Side	*1,165
		Oldtown Run	1,080 feet upstream of Private Drive	*1,252
			At Legislative Route 07011	*927
			At Township Route 378 (0.1 mile upstream Legislative Route 07011)	*949
			At Township Route 378 (0.2 mile upstream Legislative Route 07011)	*969
			At Township Route 378 (1.0 mile downstream Private Drive)	*1,032
			At Private Drive	*1,123
			1,330 feet upstream Private Drive	*1,150
		Brush Run	At U. S. Route 22	*936
			At Upstream Side of Scotch Valley Road/Township Route 424	*943
			At Legislative Route 07015 (Upstream Side)	*953
			At U. S. Route 220 (Upstream Side)	*955
Maps Available at: The Township Municipal Building. Send comments to: Mr. Harry Mattem, Chairman of the Board of Supervisors of Frankstown, R.D. 2, Hollidaysburg, Pennsylvania 16848.				
Pennsylvania	Township of Harmar, Allegheny County.	Allegheny River	Downstream Corporate Limits	*742
			Hulton Road bridge (upstream)	*743
			Lock and Dam #3 (downstream)	*745
			Lock and Dam #3 (upstream)	*747
			Upstream Corporate Limits	*748
Maps available at: The Township Building. Send comments to: Mr. Tom Rodak, Chairman of the Board of Supervisors of Harmar, 841 Russett Road, Cheswick, Pennsylvania 15024.				
Pennsylvania	Borough of Langhorne, Bucks County.	Neshaminy Creek	Upstream Corporate Limits	*71
			Downstream Corporate Limits	*69
Maps available at: The Borough Hall, 114 East Maple Avenue, Langhorne, Pennsylvania. Send comments to: Casimer R. Cwickdinski, Langhorne Council President, 124 West Maple Avenue, Langhorne, Pennsylvania 19047.				
Pennsylvania	Town of McCandless, Allegheny County.	Pine Creek	Kummer Road	*975
			Grubbs Road	*979
			Private Road	*985
			McKnight Road	*1,007
			Mainert Road	*1,022
		Little Pine Creek	Brittany Place	*1,023
			Pebbles Road	*1,039
			Remington Drive	*1,045
			Winchester Drive	*1,051
			Babcock Boulevard	*1,055
		Lowries Run	Confluence with Whitmer Run	*952
			Sloop Road	*989
		Whitmer Run	Confluence with Lowries Run	*952
			Upstream limit of Detailed Study (2,440 feet above mouth)	*985
Maps available at: Township Building. Send comments to: Mr. C. Dean Woodcock, President of the Council of McCandless, 9955 Grubs Road, Wexford, Pennsylvania 15090.				
Pennsylvania	Township of McKean, Erie County	Elk Creek	Downstream Corporate Limits	*880
			Township Route 450	*941
			Township Route 448B	*967
			Upstream Corporate Limits with the Borough of McKean	*987
		Lamson Run	Confluence with Elk Creek	*983

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
State Route 369.....				*984
Corporate Limits with the Borough of McKean.....				*987
Maps available at: The Township Building.				
Send comments to: Mr. Richard E. East, Chairman of the Board of Supervisors of McKean, 4459 North Colonial Parkway, Erie, Pennsylvania 16509.				
Pennsylvania.....	Borough of Mohnton, Berks County.	Wyomissing Creek.....	Downstream Corporate Limits.....	*371
			Upstream of foot-bridge about 500 feet downstream from Main Street.	*383
			Main Street.....	*393
			Confluence with Tributary No. 2.....	*398
			South Church Street.....	*401
			Footbridge about 750 feet upstream of South Church Street.....	*410
			Confluence of Tributary No. 2.....	*414
			Dam about 350 feet downstream of West Wyomissing Avenue bridge..	*425
			West Wyomissing Avenue bridge.....	*428
			Footbridge about 1,000 feet upstream of West Wyomissing Avenue bridge.	*430
			Upstream Corporate Limits.....	*443
Maps available at: The Borough Office, 21 North O'Neil, Mohnton, Pennsylvania 19540.				
Send comments to: Mr. Roy Werner, Mohnton Council President, Borough Office, 21 North O'Neil, Mohnton, Pennsylvania 19540.				
Pennsylvania.....	Township of Morris, Tioga County	Pine Creek.....	Downstream Corporate Limits.....	*850
			CONRAIL (upstream).....	*860
			Approximately 3,700 feet upstream from State Route 414.....	*871
		Babb Creek.....	Confluence with Pine Creek.....	*860
			State Route 414 (upstream).....	*867
			Confluence of Harrison Run.....	*1,016
			State Route 287 (downstream).....	*1,033
			State Route 287 (upstream).....	*1,039
		Wilson Creek.....	Confluence with Babb Creek.....	*1,023
			State Route 287 (upstream).....	*1,049
			Confluence of Rattler Run.....	*1,100
		Long Run.....	Confluence with Babb Creek.....	*1,043
			Footbridge (upstream).....	*1,055
		Harrison Run.....	State Route 414.....	*1,020
			Township Route 496 (upstream).....	*1,082
Maps available at: Mrs. Broughton's residence.				
Send comments to: Mr. Joseph Bohnert, Chairman of the Township of Morris, c/o Mrs. Broughton, P.O. Box 66, Morris, Pennsylvania 16938:				
Pennsylvania.....	Township of Nescopeck, Luzerne County.	Susquehanna River.....	Downstream Corporate Limits.....	*500
			Upstream Corporate Limits.....	*510
		Nescopeck Creek.....	Downstream Corporate Limits.....	*500
			10 feet downstream of Legislative Route 40017 (Downstream Crossing).	*501
			30 feet upstream of Conrail bridge.....	*502
			Legislative Route 40092 (upstream).....	*505
			38 feet upstream of Legislative Route 40017 Upstream Crossing).....	*522
			Downstream Corporate Limits.....	*500
			Legislative Route 40017 (downstream) (Downstream Crossing).....	*501
			Legislative Route 40092.....	*505
			Legislative Route 40017 (downstream) (Upstream crossing).....	*521
			Legislative Route 40016 (upstream).....	*529
			Legislative Route 40015.....	*605
			Upstream Corporate Limits.....	*610
		Wapwallopen Creek.....	Conrail.....	*510
			State Route 393.....	*510
Maps available at: The Fire Department.				
Send comments to: Mr. Wilber Kishbaugh, Chairman of the Board of Supervisors of Nescopeck, R.D. 1, Nescopeck, Pennsylvania 18635.				
Pennsylvania.....	Township of Newberry, York County.	Susquehanna River.....	At Newberry Township and York Haven Borough corporate limits.....	*282
			At Downstream Newberry Township and Goldsboro Borough corporate limits.	*297
			At Upstream Newberry Township and Goldsboro Borough corporate limits.	*298
			At upstream Newberry Township limits.....	*301
		West Conewago Creek.....	At Conrail bridge crossing.....	*281
			At confluence of Little Conewago Creek.....	*290
			At Sheep Bridge Road.....	*318
			At York Road bridge (upstream side).....	*338
			At confluence of Stoney Creek (upstream corporate limits).....	*345
		Fishing Creek.....	At downstream Goldsboro Borough and Newberry Township corporate limits.	*299
			At Pines Road bridge.....	*313
Maps available at: The Township Building, Old Trail Road, Newberry Township, Pennsylvania.				
Send comments to: Mr. Bruce Smith, Chairman of the Township of Newberry, R.D. 2, P.O. Box 4, York Haven, Pennsylvania 17370.				
Pennsylvania.....	Township of O'Hara, Allegheny County.	Allegheny River.....	Downstream O'Hara Corporate Limits.....	*738
			Lock & Dam No. 2 (Upstream).....	*738
			Highland Park Bridge (Upstream).....	*738
			Aspinwall-O'Hara Corporate Limits.....	*738
			Pittsburgh-O'Hara Corporate Limits.....	*739
			Downstream Blawnox-O'Hara Corporate Limits.....	*740

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream Blawnox-O'Hara Corporate Limits.....				*741
Upstream O'Hara Corporate Limits.....				*742
Maps available at: The Township Building.				
Send comments to: Mr. William Kwiatkowski, Township Manager of O'Hara, 325 Fox Chapel Road, Pittsburgh, Pennsylvania 15236.				
Pennsylvania.....	Penn, Township of Perry County...	Susquehanna River.....	Downstream Corporate Limits.....	*332
			T-518 (extended).....	*344
			Confluence of Cove Creek.....	*349
			Confluence of Sherman Creek.....	*353
			Confluence of Little Juniata Creek.....	*354
			Upstream Corporate Limits.....	*355
		Juniata River.....	State Route 274 (Upstream).....	*360
			U.S. Routes 11/15.....	*362
			Upstream Corporate Limits.....	*366
		Little Juniata Creek.....	Confluence with Susquehanna River.....	*354
			Upstream Borough/Township Corporate Limits.....	*362
Maps are available at: The Penn Township Municipal Building, Duncannon, Pennsylvania.				
Send comments to: Mr. Clifford Taylor, Chairman of the Board of Supervisors of Penn, R.D. 1, Faculty Road, Duncannon, Pennsylvania 17020.				
Pennsylvania.....	Township of Porter, Huntingdon County.	Little Juniata River.....	At upstream side of State Route 305.....	*687
			At upstream side of Conrail (1.2 miles upstream of State Route 305).....	*700
			At upstream side of Legislative Route 31051.....	*719
			At upstream side of Conrail (1.2 miles upstream of Legislative Route 31051).....	*738
		Frankstown Branch Juniata River.....	At upstream side of Legislative Route 31098.....	*680
			At upstream side of Legislative Route 855.....	*694
			At upstream side of State Route 305.....	*705
			At upstream side of U.S. Route 22.....	*720
		Robinson Run.....	At U.S. Route 22.....	*695
			At upstream side of Legislative Route 31075.....	*696
		Emma Creek.....	At upstream side of Township Route 477.....	*700
			At Private Drive (0.5 mile upstream Route 477).....	*727
			At Private Drive (0.5 mile upstream Private Drive).....	*747
			At upstream side of Legislative Route 31048.....	*786
Maps available at: The Township Building.				
Send comments to: Mr. Cletus Rhodes, Chairman of the Board of Supervisors of Porter, R.D. 1, Alexandria, Pennsylvania 16611.				
Pennsylvania.....	Township of Putnam, Tioga County.	Tioga River.....	At downstream corporate limits.....	*1,187
			Downstream side of L.R. 58084 bridge.....	*1,194
			Upstream side of L.R. 58084 bridge.....	*1,197
			Upstream corporate limits.....	*1,206
Maps available at: The Community Center.				
Send comments to: Mr. D. William Messner, Chairman of the Township of Putnam, West State Street, Covington, Pennsylvania 16317.				
Pennsylvania.....	Borough of Rankin, Allegheny County.	Monongahela River.....	Corporate Limits (downstream).....	*738
			Corporate Limits (upstream).....	*738
Maps available at: The Borough Hall.				
Send comments to: Mr. Milton P. Supak, President of the Council of Rankin, 320 Hawkins Avenue, Rankin, Pennsylvania 15104.				
Pennsylvania.....	Township of Richmond, Tioga County.	Tioga River.....	At downstream corporate limits (upstream of the Borough of Mansfield).....	*1,140
			At confluence of State Creek.....	*1,150
			At upstream side of Canoe Camp Road bridge.....	*1,156
			Approximately 1/2 mile upstream of Canoe Camp Road bridge along Tioga River.....	*1,160
			At upstream corporate limits.....	*1,174
Maps available at: The Township Building.				
Send comments to: Mr. John McGraw, Chairman of the Township of Richmond, R.D. 1, P.O. Box 255, Mansfield, Pennsylvania 16333.				
Pennsylvania.....	Township of Ridley, Delaware County.	Crum Creek.....	State Route 291.....	*10
			U.S. Route 13.....	*18
			Jefferson Avenue.....	*28
			Upstream Corporate Limits.....	*43
		Story Creek.....	Chester Pike.....	*23
			Dam.....	*69
			Chesee System.....	*75
			Kedron Avenue.....	*85
			Upstream Corporate Limits.....	*114
		Little Crum Creek.....	Private Road near Crum Creek.....	*13
			Haverford Road.....	*57
			Michigan Avenue.....	*83
		Ridley Creek.....	Innerstate Route 95.....	*14
			Upstream Corporate Limits.....	*21
		Muckinipattis Creek.....	Academy Avenue.....	*68
			Footbridge.....	*83
			Upstream Corporate Limits.....	*91
		Delaware River.....	Within Corporate Limits and on Darby Creek.....	*10
Maps available at: The Municipal Building.				
Send comments to: Mr. Peter O'Keeffe, Township Manager of Ridley, Municipal Building, MacDade and Morton Streets, Folsom, Pennsylvania 19033.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Pennsylvania	Borough of Springdale, Allegheny River.	Allegheny River	Downstream Corporate Limits	*748
			150 feet downstream of Colfax Avenue extended	*749
			Upstream corporate limits	*751
Maps available at: The Borough Building. Send comments to: Honorable John S. Palovcak, Mayor of Springdale, 325 School Street, Springdale, Pennsylvania 15144.				
Pennsylvania	Township of Springdale, Allegheny County.	Allegheny River	Downstream Corporate Limits	*751
			Upstream Corporate Limits	*753
Maps available at: The Township Building. Send comments to: Mr. Terence E. Sullivan, President of the Commission of Springdale, 122 Bucknell Drive, Springdale, Pennsylvania 15144.				
Pennsylvania	Township of Sugarloaf, Luzerne County.	Nescopeck Creek	T-332	*701
			LR-184	*680
			T-340	*669
			Private Road Bridge	*679
			T-342	*688
		Little Nescopeck Creek	Confluence of Tributary to Little Nescopeck Creek	*684
			Kellar Road (Extended)	*690
			T-338 Upstream	*626
			Private Road Upstream	*638
		Tributary G	T-339 (Downstream Side)	*600
			Borough of Conyngham downstream Corporate Limits	*621
			Borough of Conyngham upstream Corporate Limits	*654
			Upstream Legislative Route 40010	*1,002
Maps available at: The Township Building. Send comments to: Mr. Joseph Larock, Chairman of the Township of Sugarloaf, R.D. 1, Sugarloaf, Pennsylvania 18249.				
Pennsylvania	Township of Towamencin, Montgomery County.	Towamencin Creek	Metz Road	*160
			Morris Road	*191
			Trumbauer Road	*208
			Anders Road	*230
			Valley Forge Road	*245
		West Branch Towamencin Creek	Kriebel Road	*191
			Pennsylvania Turnpike	*217
			Sumneytown Pike	*227
			Kriebel Road	*243
			Allentown Road	*260
		Tributary No. 3 of West Branch Towamencin Creek	Confluence with West Branch Towamencin Creek	*250
			Troxell Road	*267
			Weikel Road	*262
			Woodlawn Drive	*295
		Skipack Creek	Bridge Road	*170
			Rittenhouse Road	*190
			Sumneytown Pike	*198
		Tributary No. 1 of Skipack Creek	Wambold Road	*209
			Tomunson Road	*240
			Allentown Road	*257
Maps available at: The Township Building, Sumneytown Pike, Kutztville, Pennsylvania. Send comments to: Mr. Terence P. Strobaugh, Chairman of the Board of Supervisors of Towamencin, 1564 Tennis Circle, Lansdale, Pennsylvania 19446.				
Pennsylvania	Township of Tyrone, Blair County.	Little Juniata River	At upstream side of Legislative Route 732	*604
			At Conrail, upstream side (0.5 mile upstream, Legislative Route 732)	*614
			At upstream side of Township Route 506	*624
			At Conrail, upstream side (1.0 mile upstream Township Route 506)	*644
			At upstream side of Township Route 512	*650
			At downstream side of Legislative Route 07030	*655
		Sinking Run	At Township Route 453, upstream side	*600
			At Legislative Route 732, upstream side (0.7 mile upstream Township Route 453)	*632
			At Legislative Route 732, upstream side (1.0 mile upstream Township Route 453)	*640
			At Legislative Route 732, upstream side (0.3 mile downstream Township Route 495)	*610
			At Township Route 495	*622
			At Legislative Route 732, upstream side (0.4 mile upstream Township Route 495)	*641
			At Legislative Route 732, upstream side (0.8 mile upstream Township Route 495)	*656
			At Legislative Route 526	*676
			At Legislative Route 732 (0.3 mile upstream Legislative Route 526)	*688
			At Legislative Route 732 (1.1 miles upstream Legislative Route 526)	*1,011
			At Township Route 484 upstream side (1.8 miles upstream Legislative Route 526)	*1,034
			At Private Drive (0.5 mile upstream sinkhole)	*1,082
			At Township Route 484 (1.8 miles upstream sinkhole)	*1,158
			At Private Drive (0.7 mile upstream Township Route 484)	*1,176
			At Private Drive (0.9 mile upstream Township Route 484)	*1,250
			At Private Drive (1.9 miles upstream Township Route 484)	*1,395
			At Private Drive (2.2 miles upstream Township Route 484)	*1,450
		Tributary No. 1	At Township Route 484, upstream side	*1,031
			At Legislative Route 732, upstream side	*1,043
			At Private Drive (0.3 mile upstream Legislative Route 732)	*1,062

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At Private Drive (0.5 mile upstream Legislative Route 732).....	*1,070
			At Private Drive, upstream side (0.9 mile upstream Legislative Route 732).....	*1,097
			At Private Drive (1.1 miles upstream Legislative Route 732).....	*1,109
			At Private Drive (1.3 miles upstream Legislative Route 732).....	*1,119
			At Private Drive (1.5 miles upstream Legislative Route 732).....	*1,127
Maps available at: The residence of Mr. John Burket, R.D. 1, Tyrone, Pennsylvania.				
Send comments to: Mr. Harry Johnson, Chairman of the Board of Supervisors of Tyrone, R. D. 3, Altoona, Pennsylvania 16601.				
Pennsylvania.....	Borough of West Homestead, Allegheny County,	Monongahela River.....	400 feet upstream from Glenwood Highway.....	*735
			520 feet downstream from Homestead Highway.....	*736
Maps available at: The Borough Hall.				
Send comments to: Honorable John J. Dindek, Mayor of West Homestead, 401 West 8th Avenue, West Homestead, Pennsylvania 15120.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.))

Issued: October 15, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[FR Doc. 79-34083 Filed 11-6-79; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA 5725]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance  
Administration, FEMA.

ACTION: Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a).)

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

#### Proposed Base (100-Year) Flood Elevations

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut.....	Town of Berlin, Hartford County.....	Mattabesset River.....	Division Street.....	*25
			Berlin Street.....	*28
			Wethersfield Road.....	*36
			Downstream U.S. Route 5.....	*39
			Confluence of Willow Brook.....	*43
			Downstream State Route 72.....	*43
			Farmington Avenue.....	*46
			Burnham Street.....	*47
			Downstream Kensington Road.....	*52
			Upstream Dam (600' upstream of Kensington Avenue).....	*75
			Downstream of State Route 71 Dam.....	*98
			Upstream State Route 71.....	*120
			Downstream Glen Street.....	*122
			Upstream Glen Street.....	*130
			Downstream High Road.....	*136
			Upstream High Road.....	*143
			Downstream State Route 71A.....	*160
			Upstream State Route 71A.....	*167
			2,500' upstream of State Route 71A.....	*168

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in foot (NGVD)
		Willow Brook.....	Confluence with Mattabesset River.....	*43
			Upstream Christian Lane.....	*46
			Upstream State Route 72 (downstream crossing).....	*50
			Upstream Conrail bridge (downstream crossing).....	*52
			Upstream Conrail bridge (upstream crossing).....	*57
			Upstream State Route 72 (upstream crossing).....	*58
			Upstream New Britain Road.....	*61
			Downstream Park Road.....	*61
			Upstream Park Road.....	*68
			Corporate Limits (1,400 above Park Road).....	*74
		Belcher Brook.....	Confluence with Mattabesset River.....	*40
			Upstream Norton Road.....	*51
			Downstream Meadow Lane.....	*71
			Upstream Meadow Lane.....	*81
			Downstream Toll Gate Road.....	*102
			Upstream Toll Gate Road.....	*110
Maps available at: The Town Engineering Department. Send comments to: Honorable Jack Ragazzi, Mayor of Berlin, Town Hall, 240 Kensington Road, Berlin, Connecticut 06037.				
Connecticut	Town of Chester, Middlesex County,	Chester Creek.....	Connecticut Valley Railroad.....	*11
		Pattaconk Brook.....	Confluence of Great Brook.....	*11
			Main Street.....	*11
			Downstream side of Dam approximately .08 mile upstream of Main Street.....	*13
			Upstream side of Dam approximately .08 mile upstream of Main Street.....	*21
			Factory Road.....	*20
			Upstream side of Dam approximately .05 mile upstream of Factory Road.....	*43
			Straits Road.....	*53
			Upstream side of Dam approximately .01 mile upstream of Straits Road.....	*61
			State Route 148-West Main Street.....	*69
			Upstream side of Dam approximately .07 mile upstream of State Route 148.....	*79
			Upstream side of second crossing of State Route 148-West Main Street.....	*84
			Upstream side of Private Drive approximately .15 mile upstream of second crossing of West Main Street.....	*89
			Upstream side of Dirt Road approximately .24 mile upstream of second crossing of West Main Street.....	*89
			Upstream side of Dam approximately .04 mile downstream of Covered Footbridge.....	*105
			Parking Lot Road.....	*120
			Upstream side of State Route 9 Northbound Ramp.....	*129
			Upstream side of Hoopole Hill Road.....	*137
			Footbridge approximately .21 mile upstream of third crossing of West Main Street.....	*141
			Upstream side of fourth crossing of State Route 148.....	*152
			Downstream side of Dam approximately .11 mile upstream of fourth crossing of West Main Street.....	*160
			Upstream side of Dam approximately .11 mile upstream of fourth crossing of West Main Street.....	*165
			Upstream side of Dam approximately .07 mile downstream of fifth crossing of West Main Street.....	*175
			Upstream side of fifth crossing of West Main Street.....	*179
			Downstream side of Dam approximately .12 mile downstream of Wig Hill Road.....	*190
			Upstream side of Dam approximately .12 mile downstream of Wig Hill Road.....	*206
			Downstream side of Wig Hill Road.....	*220
			Upstream side of Wig Hill Road.....	*238
			Upstream side of sixth crossing of West Main Street.....	*241
			Seventh crossing of West Main Street.....	*242
		Great Brook.....	Confluence of Chester Creek.....	*11
			Downstream side of North Main Street.....	*19
			Upstream side of North Main Street.....	*22
			Downstream side of second crossing of North Main Street.....	*38
			Upstream side of second crossing of North Main Street.....	*41
			Upstream side of third crossing of North Main Street.....	*49
			Upstream side of Dam approximately .02 mile upstream of third crossing of North Main Street.....	*53
			Upstream side of Rock Dam.....	*62
			Downstream side of Dam approximately .1 mile downstream of Liberty Street.....	*70
			Upstream side of Dam approximately .1 mile downstream of Liberty Street.....	*83
			Upstream side of Liberty Street.....	*88
			Upstream side of Private Drive approximately .08 mile upstream of confluence of South Branch Great Brook.....	*101
			Upstream side of Dam and Footbridge.....	*111
			Approximately .43 mile upstream of Dam and Footbridge.....	*138
		South Branch Great Brook.....	Confluence with Great Brook.....	*95
			Upstream side of Deep Hollow Road.....	*102
			Downstream side of Dam.....	*104



## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available at: The Town Clerk's Office. Send comments to: Mr. Robert Blair, First Selectman of Chester, Town Office, 55 Main Street, Chester, Connecticut 06412.				
Connecticut	Town of Deep River, Middlesex County.	Deep River	Upstream side of Dam Upstream confluence with Great Brook Connecticut Valley Railroad (upstream side) Dam No. 1 (downstream side) Dam No. 1 (upstream side) State Route 94 (upstream side) Dam No. 2 (downstream side) Dam No. 2 (upstream side) Bridge Street (upstream side) Dam No. 3 (downstream side) Dam No. 3 (upstream side) Middle Crossing of Elm Street (upstream side) State Route 9 Northbound (downstream side) State Route 9 Southbound (upstream side) Upstream Crossing of Elm Street (upstream side) Dam No. 4 (downstream side) Dam No. 4 (upstream side) Dam No. 5 (downstream side) Dam No. 5 (upstream side)	*106 *107  *11 *11 *19 *21 *29 *39 *41 *43 *45 *47 *57 *62 *73 *78 *83 *115 *129
Maps available at: The Town Hall. Send comments to: Ms. Lorraine Wallace, First Selectman of Deep River, Town Hall, Main Street, Deep River, Connecticut 06417.				
Connecticut	Town of Essex, Middlesex County	Connecticut River Falls River	Entire Shoreline Upstream Falls River Pond Dam Upstream River Road Upstream State Route 9 Upstream State Route 8A Upstream Falls River Drive Upstream Main Street Upstream Ivory Street	*11 *14 *16 *22 *30 *44 *58 *59
Maps available at: The Town Hall. Send comments to: Mr. Richard Riggio, First Selectman of Essex, Town Hall, West Avenue, Essex, Connecticut 06426.				
Connecticut	Town of Montville, New London County.	Thames River Oxoboxo Brook Trading Cove Brook	Downstream corporate limits to 1.7 miles above downstream corporate limits. 1.7 miles above downstream corporate limits to 1.2 miles below upstream corporate limits. 1.2 miles below upstream corporate limits to upstream corporate limits. Confluence with Horton Cove Upstream of Pink Row Upstream of State Route 32 Upstream of State Route 163 Upstream of State Route 52 Upstream of 48" pipe bridge (between Central Vermont Railroad and Pequot Road). Upstream of Pequot Road Upstream of Bridge Street Upstream of Robertson Road Downstream of Rockland Pond Dam Confluence with Trading Cove Upstream of State Route 32 Upstream of Connecticut Turnpike Upstream of Montville Road Confluence of Goldmine Brook	*12 *13  *14 *13 *25 *49 *70 *70 *82 *120 *167 *220 228 *14 *26 *41 *48 *69
Maps available at: The Building Inspector's Office, the Zoning Office, and the Town Clerk's Office. Send comments to: Mr. Howard Beetham, First Selectman of Montville, Town Hall, 310 Norwich-New London Turnpike, Uncasville, Connecticut 06382.				
Connecticut	Town of Old Lyme, New London County.	Mill Brook Fourmile River Long Island Sound	Sill Lane (0.3 mile downstream lower Mill Pond Dam) Lower Mill Pond Dam (upstream side) Sill Lane (320 feet downstream upper Mill Pond Dam) Town Woods Road (upstream side) Route 158 (West Main Street) Breached Dam (upstream side) Interstate 95 (300 feet upstream from Cotton Road, upstream side) Entire Shoreline	*11 *22 *25 *40 *11 *25 *51 *11
Maps are available at: The Office of the Town Clerk. Send comments to: Mr. Wallace Moore, First Selectman of Old Lyme, Memorial Town Hall, Lyme Street, P.O. Box 338, Old Lyme, Connecticut 06371.				
Delaware	Town of Bowers, Kent County	Delaware River	Entire Community	*9
Maps available at: Donovan's Dock. Send comments to: Honorable June Donovan, Mayor of Bowers, P.O. Box 325, Frederika, Delaware 19946.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in foot above ground. *Elevation in foot (NGVD)
Delaware	*City of Slaughter Beach, Sussex County.	Delaware Bay	Entire Town of Slaughter Beach	*9
Maps available at: The Fire Hall. Send comments to: Honorable Clara Russell, Mayor of Slaughter Beach, 414 Kings Highway, Milford, Delaware 19963.				
Maine	City of Caribou, Aroostook County	Aroostook River	3,630 feet downstream of the confluence of Moore Brook	*378
			At the confluence of Little Madawaska River	*383
			At the confluence of Otter Brook	*389
			Downstream Caribou Dam	*394
			Upstream Caribou Dam	*402
			6.5 miles upstream of Caribou Dam	*400
		Caribou Stream	At Bangor and Aroostook Railroad	*392
			Downstream Cross Street	*394
			Upstream Cross Street	*404
			Downstream North Main Street	*411
			Upstream North Main Street	*419
			Downstream Collins Pond Dam	*426
			Upstream Collins Pond Dam	*433
			At the confluence of Farnham Brook	*434
			Upstream Bangor and Aroostook Railroad	*440
			At the confluence of Mile Brook	*442
			At Footbridge	*440
			Downstream State Route 164 bridge	*468
			Upstream State Route 164 bridge	*472
			2,800 feet upstream of State Route 164 bridge	*472
Maps available at: The City Office. Send comments to: Mr. Terrence St. Peter, City Manager of Caribou, City Office, 25 High Street, Caribou, Maine 04738.				
Maine	Town of Fort Fairfield, Aroostook County.	Aroostook River	Confluence of Hacker Brook	*363
			East Limestone Road	*360
			Confluence of Gray Brook	*373
Maps are available at: The Municipal Building. Send comments to: Mr. Al Dixon, Town Manager of Fort Fairfield, Municipal Building, Main Street, Fort Fairfield, Maine 04742.				
Maine	Town of Fryeburg, Oxford County.	Saco River	U.S. Route 302	*370
			State Route 5	*380
			Upstream Swanks Falls Dam	*403
			State Route 113	*411
		Old Course Saco River	State Route 5	*385
			McNeil Road	*385
			Fish Street	*385
Maps available at: The Town Office. Send comments to: Miss A. Hutchins, Chairman of the Board of Selectmen of Fryeburg, Town Office, Fryeburg, Maine 04037.				
Maryland	Allegany County	North Branch Potomac River	Chessee System bridge at North Branch (upstream)	*505
			Chessee System bridge 2.7 miles downstream of Cumberland corporate limits (upstream).	*602
			Downstream corporate limits of Cumberland	*604
			Chessee System bridge 4,200' downstream of Ford Avenue (upstream).	*609
			Ford Avenue (upstream)	*612
			Chessee System bridge 2,800' upstream of Ford Avenue (upstream)	*614
			Cumberland Street (downstream)	*618
			Cumberland Street (upstream)	*620
			Cumberland corporate limits	*633
			Celanese Company Weir (upstream)	*651
			U.S. Route 220 (upstream)	*669
			Cromwell Street (upstream)	*690
		Evitts Creek	State Route 51 (upstream)	*604
			Williams Road (upstream)	*617
			Cumberland Country Club Drive (downstream)	*636
			Cumberland Country Club Drive (upstream)	*640
			Christie Road (upstream)	*649
			New U.S. Route 40 (upstream)	*668
			Miller Road (upstream)	*700
			Mason Road crossing just downstream of confluence of Rocky Gap Run (upstream).	*741
			Mason Road crossing 2,200' upstream of confluence of Rocky Gap Run (upstream).	*752
			County boundary	*781
		Wills Creek	Downstream county boundary (Cumberland corporate limits)	*830
			U.S. Route 40 (upstream)	*642
			Chessee System (upstream)	*658
			Locust Grove Road (downstream)	*659
			Locust Grove Road (upstream)	*663
			Chessee System (upstream)	*665
			Chessee System (upstream)	*662
			Abandoned conveyor (upstream)	*680
			Private Road (upstream)	*691
			Private Road 1,160' downstream of the confluence of Jennings Run (downstream).	*700
			Private Road 1,160' downstream of the confluence of Jennings Run (upstream).	*710
			Confluence of Jennings Run	*713

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Braddock Run	State Route 36 (upstream)	*665
			Old State Route 36 (downstream)	*667
			Old State Route 36 (upstream)	*672
			Private Road (upstream)	*700
			Rye Street (downstream)	*738
			Rye Street (upstream)	*742
			U.S. Route 40 (upstream)	*768
			Bridge Street (upstream)	*781
			Oaklawn Lane (upstream)	*865
			West Street (upstream)	*904
			Locust Street (upstream)	*926
			Vocke Road (upstream)	*964
			Culvert for U.S. Route 48 exit ramp (downstream)	*1,031
			Culvert for U.S. Route 48 exit ramp (upstream)	*1,036
			U.S. Route 40 (upstream)	*1,072
			Culvert for downstream entrance to Lavale Shopping Center (upstream end)	*1,106
			Culvert for upstream entrance to Lavale Shopping Center (downstream end)	*1,107
			Culvert for upstream entrance to Lavale shopping center (downstream end)	*1,107
			Culvert for upstream entrance (upstream end)	*1,112
			Private Road 2,800' upstream of culvert for Lavale Shopping Center (upstream)	*1,185
			Private Road 3,000' upstream of culvert for Lavale Shopping Center (upstream)	*1,193
			Private Road 5,800' downstream of U.S. Route 40 (upstream)	*1,313
			U.S. Route 40 (downstream)	*1,463
			U.S. Route 40 (upstream)	*1,487
			Claryville Road (upstream)	*1,492
			Private Drive (upstream)	*1,521
			Westbound Lane U.S. Route 48	*1,532
			Eastbound Lane U.S. Route 48	*1,536
			Culvert for abandoned road (downstream)	*1,551
			Culvert for abandoned road (upstream)	*1,576
			State Route 55 (downstream)	*1,577
			State Route 55 (upstream)	*1,581
		Dry Run	County boundary (Cumberland corporate limits)	*742
			Private Drive 300' upstream of county boundary (upstream)	*743
			Private Drive 850' upstream of county boundary (upstream)	*749
			Outlet for culvert just downstream of Private Drive 3,350' upstream of county boundary	*776
			Private Drive 3,350' upstream of county boundary (upstream)	*780
			Miller Road (upstream)	*798
			Valley Road (upstream)	*816
			Private Road 1,575' upstream of Valley Road (upstream)	*843
			Private Road 1,400' downstream of the second crossing of Valley Road (upstream)	*863
			Valley Road (upstream)	*918
		Jennings Run	Confluence with Wills Creek	*712
			Cheslie System (upstream)	*714
			State Route 36 (upstream)	*720
			Cheslie System (upstream)	*725
			Private Road (upstream)	*755
			Ford Road (upstream)	*772
			Cheslie System (upstream)	*819
			Confluence of North Branch	*960
			Private Road (upstream)	*982
			Woodcock Hollow Road (upstream)	*1,033
			Private Road (upstream)	*1,092
			State Route 36 (upstream)	*1,131
			Private Road (upstream)	*1,166
			State Route 36 (upstream)	*1,176
			Columbia Road (upstream)	*1,198
			Building located 265' downstream of Railroad Street crossing (upstream end)	*1,212
			Building located 75' downstream of Railroad Street crossing (upstream end)	*1,215
			Railroad Street (upstream)	*1,217
			Cheslie System (upstream)	*1,218
			Cheslie System bridge located 320' downstream of Stabtown Road (upstream)	*1,434
			Stabtown Road (upstream)	*1,440
			Cheslie System (upstream)	*1,453
		North Branch	State Route 36 (upstream)	*982
			State Route 47 (upstream)	*1,004
		Warrior Run	Confluence with North Branch Potomac River	*651
			Cheslie System (upstream)	*657
			Cheslie System siding (upstream)	*658
			U.S. Route 220—McMullen Highway (upstream)	*692
			Church Driveway (upstream)	*697
			State Route 53—Warrior Road (upstream)	*711
			State Route 53—Warrior Road—second crossing (upstream)	*740
			Winchester and Cresaptown Road (upstream)	*743
		Winchester Road Creek	Confluence with Warrior Run	*745
			Craddock Road (upstream)	*746
			Private Road (upstream)	*742
			Private Road 600' downstream of Winchester and Cresaptown Road Crossing (upstream)	*787

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
			Winchester and Cresaptown Road (downstream).....	*795
			Winchester and Cresaptown Road (upstream).....	*799
			Inlet to culvert for Private Road 1,850' upstream of Winchester and Cresaptown Road (upstream).....	*838
	Georges Creek	County boundary (Westport corporate limits).....		*984
		Franklin Road (upstream).....		*1,010
		Private Road (upstream).....		*1,013
		Chessie System (downstream).....		*1,028
		Chessie System (upstream).....		*1,033
		Chessie System (upstream).....		*1,063
		Reynolds-Morrison Road (upstream).....		*1,133
		Confluence of Mill Run.....		*1,147
		Chessie System (downstream).....		*1,150
		Chessie System (upstream).....		*1,155
		Reynolds-Morrison Road (upstream).....		*1,202
		County boundary (downstream corporate limits of Barton).....		*1,220
		County boundary (upstream corporate limits of Barton).....		*1,260
		Moscow Mills Road (upstream).....		*1,315
		State Route 36 (downstream).....		*1,321
		State Route 36 (upstream).....		*1,328
		Confluence of Laurel Run.....		*1,335
		State Route 36 (upstream).....		*1,364
		Chessie System (upstream).....		*1,368
		Chessie System 900' downstream of Lonaconing corporate limits (up- stream).....		*1,405
		County boundary (downstream corporate limits of Lonaconing).....		*1,470
		County boundary (upstream corporate limits of Lonaconing).....		*1,517
		State Route 36 (upstream).....		*1,537
		Private Drive 900' downstream of Chessie System bridge (upstream)...		*1,574
		Chessie System (downstream).....		*1,581
		Chessie System (upstream).....		*1,584
		State Route 36 (upstream).....		*1,588
		State Route 36 (downstream).....		*1,633
		State Route 36 (upstream).....		*1,638
		Chessie System (upstream).....		*1,641
		Confluence of Elklick Run.....		*1,654
		County boundary (downstream corporate limits of Midland).....		*1,663
		County boundary (upstream corporate limits of Midland).....		*1,703
		Chessie System (upstream).....		*1,718
		Borden Shaft Road (upstream).....		*1,770
		U.S. Route 48 culvert (downstream).....		*1,811
		U.S. Route 48 culvert (upstream).....		*1,823
		Confluence of Sand Spring Run.....		*1,830
		Welsh Hill Road (upstream).....		*1,860
		Abandoned railroad bridge (upstream).....		*1,881
		Unnamed Road (upstream).....		*1,883
		Powells Lane (upstream).....		*1,870
		Warren Glen Road (upstream).....		*1,873
		Grant Street (upstream).....		*1,880
		County boundary (Frostburg corporate limits).....		*1,888
		County boundary (Frostburg corporate limits).....		*1,898
	Jackson Run	County boundary (Lonaconing corporate limits).....		*1,647
		Limit of study (6,800' upstream of Lonaconing corporate limits).....		*1,720
	Koontz Run	County boundary (Lonaconing corporate limits).....		*1,602
		Beechwood Drive (downstream).....		*1,688
		Beechwood Drive (upstream).....		*1,690
	Hill Run	Confluence with Georges Creek.....		*1,532
		Chessie System (upstream).....		*1,534
		Uppercliff Road (upstream).....		*1,569
		Water Station Run Road (upstream).....		*1,613
		Downstream end of abandoned railroad culvert.....		*1,655
		Upstream end of abandoned railroad culvert.....		*1,683
	Neff Run	County boundary (Midland corporate limits).....		*1,734
		Paradise Avenue (upstream).....		*1,750
		Private Drive (upstream).....		*1,768
		State Route 36 (upstream).....		*1,770
	Sand Spring Run	Confluence with Georges Creek.....		*1,838
		Private Road (upstream).....		*1,844
		Downstream end of Midlothian Road culvert.....		*1,870
		Upstream end of Midlothian Road culvert.....		*1,878
		County boundary (Frostburg corporate limits).....		*1,878
		County boundary (Frostburg corporate limits).....		*2,029
		Private Road (upstream).....		*2,072
		Wenks Lane (upstream).....		*2,108
		County boundary (Frostburg corporate limits).....		*2,121
	Flintstone Creek	Confluence with Town Creek.....		*762
		Farm Lane (downstream).....		*776
		Farm Lane (upstream).....		*782
		Warm Spring Road (upstream).....		*793
		Old National Pike (downstream).....		*812
		Old National Pike (upstream).....		*818
		U.S. Route 40 (upstream).....		*822
		Black Valley Road (upstream).....		*829
		Unnamed Road 1,400' upstream of Black Valley Road (downstream)...		*838
		Unnamed Road 1,400' upstream of Black Valley Road (upstream).....		*844
		Unnamed Road 3,000' upstream of Black Valley Road (downstream)...		*853
		Unnamed Road 3,000' upstream of Black Valley Road (upstream).....		*858
		Dickers Trail Road (upstream).....		*870

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Dolly Road (downstream) _____	*917
			Dolly Road (upstream) _____	*925
			County boundary (State Line) _____	*936
Maps available at: The Planning and Zoning Office, County Office Building, 3 Pershing Street, Cumberland, Maryland.				
Send comments to: Mr. John Coyle, President of the Commissioners of Allegany County, County Office Building, Cumberland, Maryland, 21502.				
Maryland	Town of Boonsboro, Washington County.	Tributary No. 102	Downstream western corporate limits _____	*451
			State Route 34 (upstream) _____	468
			King Road (upstream) _____	*488
			Upstream eastern corporate limits _____	*541
		Tributary No. 103	300 feet from downstream western corporate limits _____	*474
			1,500 feet from downstream western corporate limits _____	*490
			3,175 feet from downstream western corporate limits _____	*510
			Upstream Limit of Detailed Study _____	*538
Maps available at: The Municipal Building.				
Send comments to: Honorable Stuart Mullendore, Mayor of Boonsboro, 11 St. Paul Street, Boonsboro, Maryland 21713.				
Massachusetts	Town of Holliston, Middlesex County.	Chicken Brook	0.545 miles upstream Corporate limits, at Conrail _____	*232
			Upstream side State Route 16 (Washington Street) _____	*244
			1.474 miles upstream Corporate Limits, at Private Road _____	*246
			Upstream side Prentice Street _____	*253
		Winthrop Canal	Upstream side Elm Street _____	*183
			Central Street _____	*186
			Arch Street _____	*188
		Dopping Brook	Holla Street _____	*156
			Brook Street _____	*164
		Dirty Meadow Brook	Bullard Street _____	*150
		Bogastow Brook	Central Street _____	*150
			Fiske Street _____	*153
			Lowland Street _____	*158
		Jar Brook	Westfield Road _____	*188
			Richard Road _____	*194
			Maple Street _____	*201
			Winter Street _____	*210
			Dorset Road _____	*219
			Upstream side Stagecoach Road _____	*227
			Orchard Lane _____	*236
			Meadowbrook Lane _____	*239
Maps available at: The office of the Town Clerk.				
Send comments to: Mr. H. W. Noble, Chairman of the Board of Selectmen of Holliston, Town Hall, P.O. Box 207, Holliston, Massachusetts 01746.				
Massachusetts	Town of Oak Bluffs, Dukes County.	Nantucket Sound	Entire Shoreline _____	*9
		Lagoon Pond	Entire Shoreline _____	*8
				*8
Maps available at: The Town Clerk's Office.				
Send comments to: Mr. Richard W. Blankenship, Chairman of the Board of Selectmen, Town of Oak Bluffs, Town Offices, Oak Bluffs, Massachusetts 02557.				
Massachusetts	Town of Stoughton, Norfolk County.	Sleep Hill Brook	Erin Road (Upstream Side—75 feet) _____	*115
			Jail Street (Upstream side) _____	*128
			Central Street (Upstream side—60 feet) _____	*154
			Southworth Pond Dam (Upstream side) _____	*173
			School Street (Upstream side—100 feet) _____	*187
		Tributary to Sleep Hill Brook	Confluence with Sleep Hill Brook _____	*154
			West Street (Upstream side—50 feet) _____	*157
		Rehwing Brook	Downstream Corporate Limits _____	*181
			Intersection of York Street and Meadow Lane (Upstream side—75 feet) _____	*188
		Dorchester Brook	Pine Street (Upstream side—50 feet) _____	*202
			Downstream Corporate Limits _____	*180
			Atkinson Avenue (Downstream side) _____	*193
Maps available at: The Office of the Town Engineer.				
Send comments to: Mrs. Genevieve R. Glennon, Chairman of the Board of Selectmen, Town Hall, 10 Pearl Street, Stoughton, Massachusetts 02072.				
Massachusetts	Town of Tisbury, Dukes County	Vineyard Sound	Entire Shoreline _____	*9
			Lagoon Pond _____	*8
			Lake Tashmoor _____	*7
Maps available at: The Office of the Town Clerk.				
Send comments to: Mr. John Schilling, Chairman of the Board of Selectmen of Tisbury, Tisbury Town Offices, Spring Street, Tisbury, Massachusetts 02568.				
New Hampshire	Town of Hinsdale, Cheshire County.	Connecticut River	Upstream side Boston & Maine Railroad _____	*210
			Downstream side Vernon Dam _____	*216
			Upstream side Vernon Dam _____	*227
			Upstream side Brattleboro bridge _____	*234
		Ashuelot River	Upstream side Boston & Maine Railroad _____	*213
			Upstream side State Route 63 _____	*213
			Downstream side Dam #1 _____	*218
			Upstream side Dam #1 _____	*234
			9,500' upstream of confluence with Connecticut River _____	*244
			Downstream side Dam #2 _____	*259
			Upstream side Dam #2 _____	*263
			1,000' upstream of Dam #2 _____	*279

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in foot above ground. *Elevation in foot (NGVD)
		Sprague Brook	1,500' upstream of Dam #2..... Confluence with Connecticut River..... Downstream side State Route 119..... Approximately 35' upstream of State Route 119.....	*207 *227 *227 *230
Maps available at: The Town Office. Send comments to: Mr. Paul Boroski, Chairman of the Board of Selectmen of Hinsdale, P.O. Box 13, Hinsdale, New Hampshire 03451.				
New Hampshire	Town of Swanzey, Cheshire County.	Ashuelot River	Slate Street..... Main Street..... Upstream of Dam..... Upstream of Boston & Maine Railroad..... Upstream corporate limits..... South Branch Ashuelot River..... At confluence with Ashuelot River..... Carlton Road..... Webber Hill Road (upstream)..... 7,250' upstream of Webber Hill Road..... 2,500' downstream of Old Richmond Road..... 1,400' downstream of Old Richmond Road..... Upstream of Old Richmond Road..... 4,000' upstream of Old Richmond Road..... 3,000' downstream of Private Road..... 1,000' downstream of Private Road..... Private Road..... 1,600' upstream of Private Road..... Upstream corporate limits.....	*454 *450 *462 *469 *471 *470 *480 *487 *497 *500 *520 *541 *560 *500 *501 *600 *620 *630
Maps available at: The Town Hall. Send comments to: Mr. William Smith, Charman of the Board of Selectmen of Swanzey, P.O. Box 12, East Swanzey, New Hampshire 03446.				
New Hampshire	Town of Winchester, Cheshire County.	Ashuelot River	Downstream corporate limits..... Dam No. 1 (upstream side)..... Dam No. 2 (upstream side)..... Boston and Maine Railroad..... Dam No. 4 (upstream side)..... Upstream corporate limits..... Snow Brook..... Confluence with Ashuelot River..... State Route 10..... Mirey Brook..... Confluence with Ashuelot River..... Piney Woods Road (upstream side—100 feet)..... Roaring Brook..... Confluence with Mirey Brook..... Scotland Road (upstream side—100 feet)..... Rixford Brook..... Confluence with Ashuelot River..... Old Westport Road (upstream side—50 feet)..... Verry Brook Road (upstream side—50 feet)..... Verry Brook Road (upstream side—50 feet)..... Vain Road (upstream side—100 feet)..... Pauchaug Brook..... Downstream Corporate limits..... 1,000' upstream of Auger Hole Road..... Stoddie Hill Road (downstream side—50 feet)..... Stoddie Hill Road (upstream side—50 feet).....	*292 *345 *392 *430 *444 *453 *440 *440 *441 *448 *441 *478 *450 *450 *542 *450 *470 *230 *271 *370 *380
Maps available at: The Town Hall. Send comments to: Mr. Thomas Judd, Charman of the Board of Selectmen of Winchester, Town Hall, Winchester, Massachusetts 03470.				
New Jersey	Borough of Sayreville, Middlesex County.	Raritan River	Downstream Corporate Limits..... Upstream Corporate Limits.....	*12 *12
		South River	Downstream Corporate Limits—Confluence with the Raritan River..... Upstream Corporate Limits—Conrail Railroad Bridge.....	*12 *12
		Tennents Brook	Confluence with the South River..... Upstream Corporate Limits—Bordentown—Amboy—Turnpike Bridge.....	*12 *12
		Cheesequake Creek	Downstream Corporate Limits..... Confluence with Mellins Creek.....	*12 *12
		Mellins Creek	Confluence with Cheesequake Creek..... Upstream Corporate Limits.....	*12 *12
		Crossway Creek	Confluence with Cheesequake Creek..... Ernst Road Bridge..... Garden State Parkway Culvert—Inlet..... Garden State Parkway Culvert—Outlet..... Frank Avenue Culvert—Inlet..... Upstream Limit or Detailed Study.....	*12 *14 *17 *28 *50 *59
Maps available at: The Borough Clerk's Office, Municipal Building, Woodbridge, New Jersey. Send comments to: Mr. John Czernikowski, Mayor of Sayreville, Municipal Building, 167 Main Street, Sayreville, New Jersey 08872.				
New York	City of Elmira, Chemung County	Chemung River	At Downstream Corporate Limits..... Madison Street Downstream..... South Walnut Street Upstream..... At Upstream Corporate Limits..... Newtown Creek..... At confluence with Chemung River..... East Water Street Downstream..... East Church Street Downstream..... Linden Place Upstream..... Industrial Place Upstream.....	*847 *852 *856 *859 *849 *853 *855 *860 *865
Maps available at: The City Hall. Send comments to: Honorable John Kennedy, Mayor of Elmira, City Hall, Elmira, New York 14902.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Town of Henrietta, Monroe County.	Genesee River	Downstream Corporate Limits (New York State Highway 252)	*523
			New York Thruway (Interstate 90)	*529
			New York State Highway 253	*529
		Red Creek	Confluence with Oetika Creek	*531
			Upstream Corporate Limits	*532
			Downstream Corporate Limits	*521
		East Branch Red Creek	Jefferson Road (Interstate 252)	*522
			Conrail Railroad (formerly Erie-Lackawanna Railroad)	*522
			Conrail Railroad (formerly Lehigh Valley Railroad)	*525
		Middle Branch Red Creek	U.S. Highway 15	*526
			Calkins Road	*530
			Conrail Railroad (formerly Lehigh Valley Railroad)	*531
		East Stem Middle Branch Red Creek	Lehigh Station Road	*532
			New York Thruway (Interstate 90)	*537
			Erie Station Road	*553
		West Stem Middle Branch Red Creek	Mouth of Middle Branch Red Creek	*525
			Conrail Spur	*525
			Bailey Road	*527
		West Branch Red Creek	Vollmer Parkway	*530
			Confluence with Middle Branch Red Creek	*525
			Bailey Road	*525
			Beckwith Street	*525
			Conrail	*530
			Lehigh Station Road	*532
			Downstream Corporate Limits	*523
			Lowenthal Road	*523
			Perkins Road	*523
			Wittale Road	*523
			Bailey Road (Downstream Elevation)	*523

Maps available at: The Town Hall.

Send comments to: Mr. John R. Kelly, Supervisor of the Town of Henrietta, 475 Calkins Road, Henrietta, New York 14457.

New York	City of Lackawanna, Erie County	Smokes Creek	Confluence with Lake Erie	*581
			Bethlehem Steel Railroad	*582
			South Buffalo Railway	*583
			South Buffalo Railway	*584
			Hamburg Turnpike	*585
			Conrail	*586
			South Buffalo Railway	*586
			Conrail (400' downstream of Warsaw Street)	*590
			Conrail (285' downstream of Warsaw Street)	*591
			Electric Avenue	*592
			Upstream of South Park Avenue	*593
			Chesale System	*594
			South Shore Boulevard	*596
			1,090' upstream of South Shore Boulevard	*600
			Abbott Road	*606
			Upstream Corporate Limits	*608
		South Branch Smokes Creek	Confluence with Smokes Creek	*580
			Conrail (420' downstream of Wood Street)	*591
			South Park Avenue	*592
			3,175' upstream of South Park Avenue	*594
			Conrail	*597
			100' upstream of Conrail	*599
			400' upstream of Conrail	*600
		Lake Erie	New York State Thruway	*601
			Willet Road	*602
			Entire Shoreline	*581

Maps available at: The City Engineer's Office.

Send comments to: Honorable Edward Kuwik, Mayor of Lackawanna, City Hall, Ridge Road, Lackawanna, New York 14218.

New York	Village of Liverpool, Onondaga County.	Onondaga Lake	Intersection of Lake Parkway and Tulip Street	*373
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Maps available at: The Village Hall, Second Street, Liverpool, New York.

Send comments to: Honorable Floyd Tiltonson, Mayor of Liverpool, 604 Balsam Street, Liverpool, New York 13068.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: October 15, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[FR Doc. 19-34084 Filed 11-6-79; 8:45 am]

BILLING CODE 6718-03-M



## 44 CFR Part 67

[Docket No. FEMA 5726]

National Flood Insurance Program;  
Proposed Flood Elevation  
DeterminationsAGENCY: Federal Insurance  
Administration, FEMA.

ACTION: Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5148, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1988 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

## Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in foot (NGVD)
Massachusetts	Town of Chatham, Barnstable County.	Nantucket Sound	Confluence of Red River	*10
			Mill Pond	*9
		Atlantic Ocean	Entire Shoreline	*10
		Chatham Harbor	Confluence with Nantucket Sound	*10
			Tem Island	*7
			Pleasant Bay	*8
		Oyster Pond	Shoreline	*8
			Oyster Pond River near Moon Cussers Lane	*9
Maps available at the Office of the Town Clerk.				
Send comments to Mr. Thomas R. Pennyfacker, Chairman of the Board of Selectmen of Chatham, Town Hall, 529 Main Street, Chatham, Massachusetts 02633.				
Massachusetts	Town of Edgartown, Dukes County.	Nantucket Sound/Atlantic Ocean	Entire Coastline	*9
Maps available at the Office of the Town Clerk.				
Send comments to Mr. Robert R. Waller, Chairman of the Board of Selectmen of Edgartown, P.O. Box 158, Edgartown, Massachusetts 02531.				
New Hampshire	Town of Charlestown, Cheshire County.	Connecticut River	Downstream Corporate Limit	*296
			Upstream State Route 11 (Cheshire Toll Bridge)	*304
			Upstream Corporate Limit	*312
		Little Sugar River	Upstream State Route 12A	*340
			Upstream Boston & Maine Railroad	*362
			Upstream State Route 11 & 12	*372
		Ox Brook	Upstream State Route 12A	*333
			Upstream of Downstream crossing of State Route 11 & 12	*413
			Upstream of upstream crossing of State 11 & 12	*439
Maps available at the town office.				
Send comments to Mr. Dana E. Olden, Chairman of the Board of Selectmen of Charlestown, P.O. Box 385, Charlestown, New Hampshire 03603.				
New Hampshire	Town of Gilsum, Cheshire County	Ashuelot River	USGS Gage	*785
			Upstream of State Route 10 (Downstream Hayward Brook confluence).	*817
			275 feet upstream of State Route 10 (Upstream Hayward Brook confluence).	*887
		Hayward Brook	Confluence with Ashuelot River	*838
			Church Street	*850
			Upstream of Memorial Street	*855
Maps available at the Office of the Town Clerk.				
Send comments to Mr. Anthony Molesky, Chairman of the Town of Gilsum, Town Office, Gilsum, New Hampshire 83448.				
New Hampshire	City of Laconia, Belknap County	Winnepesaukee River	Fair Street	*406
			Downstream side of Avery Dam	*408
			Upstream side of Avery Dam	*493
			Downstream side of Lakeport Dam	*496
			USGS Wor	*504
			Endicott Street	*508
		Durkee Brook	Confluence w/Lake Winnisquam	*488
			Upstream side of Court Street	*488
			Upstream side of Academy Street	*494

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Garfield Street	*504
			Downstream side of Belmont Road Culvert	*515
			Upstream side of Belmont Road Culvert	*523
			Downstream side of Dam	*536
			Upstream side of Dam	*545
			Access Road approximately 230 feet upstream of Dam	*549
		Jewett Brook	Confluence with Winnepesaukee River	*495
			Downstream side of Union Avenue	*500
			Downstream side of Highland Avenue	*510
			Approximately 400 feet upstream of Highland Avenue	*516
			Approximately 1,000 feet upstream of Highland Avenue	*522
			Brook Court (Extended)	*535
			Approximately 800 feet upstream of Brook Court (Extended)	*545
			Approximately 1,060 feet upstream of Brook Court (Extended)	*547
		Black Brook	Confluence with Pausus Bay	*506
			Upstream side of Boston and Maine Railroad	*507
			Upstream side of 2nd crossing of Boston and Maine Railroad	*510
			Approximately 1,000 feet upstream of 2nd crossing of Boston and Maine Railroad	*511
		Pickeral Cove Brook	Confluence with Pickeral Cove	*506
			Upstream side of Hilliard Road	*510
			Approximately 800 feet upstream of Hilliard Road	*515
			Approximately 3,600 feet upstream of Hilliard Road	*520
			Approximately 2,160 feet downstream of Roller Coaster Road	*530
			Approximately 1,560 feet downstream of Roller Coaster Road	*540
			Approximately 660 feet downstream of Roller Coaster Road	*550
			Roller Coaster Road	*555
		Lake Winnisquam	Entire Shoreline	*488
		Lake Winnepesaukee	Entire Shoreline	*506
Maps available at the Planning Office, City Hall, Laconia, New Hampshire.				
Send comments to Mr. Kenneth Bochner, Laconia City Manager, City Hall, Laconia, New Hampshire 03245				
New Hampshire	Town of Walpole, Cheshire County.	Connecticut River	Downstream Corporate Limits	*241
			Upstream of State Route 123	249
			Downstream of Bridge Street	*255
			Upstream of Boston and Maine Railroad	*293
			Upstream of Belkows Falls Dam	*295
			Upstream Corporate Limits	*297
		Cold River	Downstream State Route 123	*253
			4,625 feet upstream of State Route 123	*260
		Blanchard Brook	Upstream Boston and Maine Railroad	*250
			Upstream State Route 12 & 123	*252
Maps available at the Office of the Town Clerk.				
Send comments to Mr. Harold P. Kileen, Chairman of the Board of Selectmen of Walpole, Town Hall, Walpole, New Hampshire 03608				
Pennsylvania	Township of Asylum, Bradford County.	Susquehanna River	Confluence of Durell Creek	*702
			State Route 187	*711
			Upstream Corporate Limits	*716
		Bennetts Creek	Confluence with Susquehanna River	*703
			Abandoned Bridge	*755
			State Route 187	*799
			Limit of Detailed Study (Approximately 2,600 feet upstream of State Route 187)	*819
		Durell Creek	Confluence with Susquehanna River	*702
			LR 08076	*713
			Limit of Detailed Study (1,200 feet upstream of LR 08076)	*731
Maps available at the residence of Mr. William Sullivan, R.D. 2, Towanda, Pennsylvania.				
Send comments to Mr. William Sullivan, Chairman of the Township of Asylum, R.D. 2, P.O. Box 145, Towanda, Pennsylvania 16848.				
Pennsylvania	Borough of Brackenridge, Allegheny County.	Allegheny River	Upstream Corporate Limits	*757
			Downstream Corporate Limits	*757
Maps available at the Borough Building.				
Send comments to Anthony Trettie, President of the Borough Council of Brackenridge, 1000 Brackenridge Avenue, Brackenridge, Pennsylvania 15014.				
Pennsylvania	Township of Brown, Lycoming County.	Pine Creek	Downstream Corporate Limits	*722
			Township Route 755 (Upstream)	*744
			State Route 414 (Upstream)	*759
			Township Route 762 (Upstream)	*800
			Conrail (Upstream)	*808
			Approximately 6,200' upstream of Conrail Bridge	*818
Maps available at the residence of Ms. Kathryn Kreighbaum, Cedar Run, Pennsylvania.				
Send comments to Mr. John Pauke, Chairman of the Township of Brown, Cedar Run, Pennsylvania 17727.				
Pennsylvania	Township of Dorrance, Luzerne County.	Big Wapwallopen Creek	Downstream Corporate Limits	*830
			Mylet Road (upstream)	*835
			Private Road 4,100 feet upstream from Mylet Road (upstream)	*861
			Blue Ridge Trail (upstream)	*936
			Legislative Route 40022 (upstream)	*944
			Confluence of Tributary C.	*957
			Legislative Route 40023 (upstream)	*1,032
			Interstate 81 (downstream)	*1,055

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in foot above ground. *Elevation in foot (NGVD)
			Interstate 81 (upstream).....	*1,060
			Upstream Corporate Limits.....	*1,065
		Tributary A.....	Confluence with Big Wapwallopen Creek.....	*1,030
			Private Road 1,150 feet upstream from mouth of Tributary A (upstream).....	*1,050
			Legislative Route 40023 (downstream).....	*1,061
			Legislative Route 40023 (upstream).....	*1,068
			Interstate 81 (downstream).....	*1,068
			Interstate 81 (upstream).....	*1,000
			Legislative Route 40013 (upstream).....	*1,130
			640 feet upstream from Legislative Route 40013.....	*1,140
		Little Wapwallopen Creek.....	1,200 feet downstream from Cataracts.....	*933
			Base of Cataracts.....	*937
			Top of Cataracts.....	*963
			Legislative Route 40022 (upstream).....	*969
			Township Route 404 (upstream).....	*993
Maps available at the Township Municipal Building.				
Send comments to Mr. Francis McGuire, Chairman of the Township of Dorrance, Box 254, R.D. 1, Wapwallopen, Pennsylvania 18660.				
Pennsylvania.....	Township of East Deer, Allegheny County.	Allegheny River.....	Downstream Corporate Limits.....	*753
			Upstream Corporate Limits.....	*750
Maps available at the Borough Building, 927 Freeport Road.				
Send comments to Mr. John Kolek, Chairman of the Township of East Deer, 239 Bailes Run Road, Creighton, Pennsylvania 15030.				
Pennsylvania.....	Township of Fairfield, Lycoming County.	West Branch Susquehanna River.....	Downstream Corporate Limits.....	*511
			Upstream Corporate Limits.....	*517
		Tules Run.....	Conrail.....	*513
			Township Route 541.....	*527
			Old U.S. Route 220.....	*530
			U.S. Route 220 (downstream).....	*593
			U.S. Route 220 (upstream).....	*504
			Township Route 543 (downstream).....	*613
			245 (upstream) Township Route 543.....	*617
		Bennetts Run.....	Conrail (downstream).....	*516
			Old U.S. Route 220.....	*524
			U.S. Route 220 (upstream).....	*575
			Township Route 543.....	*593
		Loyalsock Creek.....	Downstream Corporate Limits.....	*544
			Upstream Corporate Limits.....	*559
		Mill Creek.....	Downstream Corporate Limits.....	*544
			Pennsylvania Route 87.....	*544
			Legislative Route 41055.....	*500
			Upstream Corporate Limits.....	*564
Maps available at the Township Building, Route 543, Montoursville, Pennsylvania.				
Send comments to Mr. Harold Brooks, Chairman of the Township of Fairfield, R.D. 1, P.O. Box 47, Montoursville, Pennsylvania 17754.				
Pennsylvania.....	Borough of Lawrenceville, Lackawanna County.	Tioga River.....	Mechanic Street.....	*992
			Upstream Corporate Limits.....	
		Cowanesque.....	Downstream Corporate Limits.....	*993
			Upstream Corporate Limits.....	*990
Maps available at the Borough Office.				
Send comments to Honorable Marion R. Guilds, Mayor of Lawrenceville, R.D. 2, Lawrenceville, Pennsylvania 16929.				
Pennsylvania.....	Township of Lycoming, Lycoming County.		Downstream Corporate Limits.....	*574
			Upstream side of U.S. Route 15.....	*584
			Upstream side of State Route 973.....	*600
			Upstream corporate limits.....	*610
		Hoagland Run.....	Confluence with Lycoming Creek.....	*599
			Upstream side of Township Route 661.....	*612
			Confluence of Tributary A.....	*632
			Confluence of Tributary B.....	*639
			Confluence of Tributary C.....	*644
			Upstream side of Township Route 414.....	*654
			2,600 feet upstream from Township Route 414.....	*685
		Tributary C.....	Confluence with Hoagland Run.....	*644
			Upstream side of State Route 973.....	*653
			1,115 feet upstream from State Route 973.....	*673
		Beautys Run.....	Downstream Corporate Limits.....	*574
			Upstream side of Private Bridge (downstream crossing).....	*592
			Confluence of Tributary E.....	*615
			Upstream side of Private Drive.....	*629
			Township Route (upstream side).....	*651
Maps available at the Township Municipal Building, Dauber Road, Perryville, Pennsylvania.				
Send comments to Mr. Richard Ulmer, Chairman of the Township of Lycoming, R.D. 2, P.O. Box 119, Cogan Station, Pennsylvania 17728.				
Pennsylvania.....	Township of McHenry, Lycoming County.	Pine Creek.....	At downstream corporate limits.....	*644
			Upstream of State Route 414 bridge.....	*650
			Approximately 1 mile upstream of State Route 414 bridge.....	*658
			Approximately 2 miles upstream of State Route 414 bridge.....	*607
			Approximately 3 miles upstream of State Route 414 bridge.....	*679

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 4 miles upstream of State Route 414 bridge	*682
			Approximately 6 miles upstream of State Route 414 bridge	*687
			At upstream corporate limits	*722
Maps available at the Township Building, Route 414, Cammel, Pennsylvania.				
Send comments to: Mr. Jack B. Hawkins, Chairman of the Township of McHenry, Cammel, Pennsylvania 17723.				
Pennsylvania	Township of Scott, Columbia County.	Susquehanna River	Downstream corporate limits	*480
			Upstream corporate limits	*483
		Fishing Creek	Conrail (upstream)	*520
			Legislative Route 19026 (upstream)	*535
		Appelman's Run	Corporate limits—downstream	*517
			Township Route 488	*521
			Old State Route 487 (upstream)	*539
			State Route 487 (downstream)	*548
			State Route 487 (upstream)	*558
			Conrail (downstream)	*591
			Conrail (upstream)	*613
		Kinney Run	Downstream corporate limits	*480
			Central Road (upstream)	*482
		Tributary No. 1 to Kinney Run	Conrail (downstream)	*487
			U.S. Route 11	*491
			Fifth Street (upstream)	*514
		Tributary No. 2 to Kinney Run	Confluence with Kinney Run	*481
		Tributary No. 10 to Susquehanna River	Legislative Route 19117 (upstream)	*483
			Conrail (upstream)	*492
			U.S. Route 11 (upstream)	*494
Maps available at: The Township Building, Market Street.				
Send comments to Mr. Harry Kames, Chairman of the Township of Scott, 2912 Old Berwick Road, Bloomsburg, Pennsylvania 17815.				
Pennsylvania	City of Scranton, Lackawanna County.	Lackawanna River	Downstream corporate limits	*680
			Conrail 3,100 feet downstream from confluence of Stafford Meadow Brook (upstream)	*669
			Elm Street (upstream)	*674
			Hickory Street (upstream)	*678
			Scranton Street	*689
			Conrail between Scranton Street and Lackawanna Avenue (upstream)	*690
			Lackawanna Avenue (upstream)	*693
			North Scranton Expressway	*694
			Olive Street (upstream)	*697
			Conrail 1,450 feet upstream from Olive Street (upstream)	*700
			Poplar Street	*700
			Albright Avenue	*702
			Green Ridge Street, U.S. Route 11 (upstream)	*704
			Market Street (upstream)	*708
			Delaware and Hudson Railroad	*710
			Sanderson Avenue (upstream)	*714
			Parker Street (upstream)	*722
			Confluence of Leggett's Creek (upstream)	*726
			Coal Conveyor No. 1 (upstream)	*727
			Coal Conveyor No. 2 (upstream)	*728
			Delaware and Hudson Railroad (upstream)	*733
			Interstate Route 81	*733
		Stafford Meadow Brook	South Washington Avenue	*673
			Delaware and Hudson Railroad	*674
			Remington Avenue	*676
			Cedar Avenue (downstream)	*685
			Cedar Avenue (upstream)	*702
			Pittsion Avenue (downstream)	*708
			Pittsion Avenue (upstream)	*751
			Prospect Avenue (downstream)	*751
			Prospect Avenue (upstream)	*772
			Elm Street (upstream)	*777
			South Webster Avenue (downstream)	*781
			South Webster Avenue (upstream)	*791
			Southside Education Plaza (downstream)	*791
			Southside Education Plaza (upstream)	*808
			Footbridge 630 feet downstream from Stafford Avenue (upstream)	*814
			Stafford Avenue (downstream)	*821
			Stafford Avenue (upstream)	*825
		Roaring Brook	South Washington Avenue	*675
			Footbridge 700 feet downstream of dam	*688
			Dam downstream of Cedar Avenue (downstream)	*691
			Dam downstream of Cedar Avenue (upstream)	*714
			Cedar Avenue (upstream)	*715
			Pittsion Avenue	*722
			Moosic Avenue	*723
			Donnelly Court extended	*737
			South Webster Avenue extended	*745
			Conrail 430 feet downstream from Harrison Avenue (downstream)	*752
			Conrail 430 feet downstream from Harrison Avenue (upstream)	*758
			Dam upstream from Harrison Avenue (downstream)	*773
			Dam upstream from Harrison Avenue (upstream)	*807
			Arthur Avenue extended	*812
			Conrail	*849
			Pine Street extended	*878

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in foot above ground. Elevation in foot (NGVD)
			Myrtle Street.....	*909
			Ash Street (upstream).....	*921
		Meadow Brook.....	Delaware and Hudson Railroad.....	*701
			Glen Street and Dickson Avenue (upstream).....	*703
			Delaware and Hudson Railroad (downstream).....	*704
			Delaware and Hudson Railroad (upstream).....	*717
			Delaware and Hudson Railroad (downstream).....	*717
			Delaware and Hudson Railroad (upstream).....	*723
		Leggett's Creek.....	Confluence with Lackawanna River.....	*725
			North Main Street (upstream).....	*729
			Wells Street (upstream).....	*736
			Pipe 850 feet downstream of Leggett Street (upstream).....	*762
			Leggett Street.....	*766
			Rockwell Avenue (downstream).....	*776
			Baltau Avenue extended.....	*776
			Footbridge 1,600 feet upstream from Rockwell Avenue.....	*790
			Winona Street extended.....	*818
			Mary Street (downstream).....	*820
			Mary Street (upstream).....	*825
			Footbridge 130 feet downstream from Holton Avenue (upstream).....	*850
			Holton Avenue (upstream).....	*858
			North Scranton Expressway, U.S. Route 6 (downstream).....	*858
			North Scranton Expressway, U.S. Route 6 (upstream).....	*882
			U.S. Route 11 (downstream).....	*884
			U.S. Route 11 (upstream).....	*898
			Upstream corporate limits.....	*909
		Loach Creek.....	Confluence with Leggett's Creek.....	*777
			West Market Street (downstream).....	*779
			West Market Street (upstream).....	*792
			Oak Street (downstream).....	*790
			Oak Street (upstream).....	*800
			Bloom Avenue (downstream).....	*813
			Bloom Avenue (upstream).....	*818
			Mine Waste Hill (downstream).....	*842
			Mine Waste Hill (upstream).....	*850
			North Scranton Expressway (upstream).....	*863
			Keyser Avenue and Conrail (downstream).....	*872
			Keyser Avenue and Conrail (upstream).....	*887
			State Route 307 (downstream).....	*900
			State Route 307 (upstream).....	*912
			Pike Street extended.....	*957
			Limit of detailed study.....	*970
		Keyser Creek.....	Downstream corporate limits.....	*772
			Conrail 1,200 feet upstream of corporate limits (downstream).....	*778
			Conrail 1,200 feet upstream of corporate limits (upstream).....	*790
			Luzerne Street (upstream).....	*795
			Conrail 360 feet upstream from Luzerne Street (upstream).....	*797
			Conrail 370 feet upstream from Luzerne Street (upstream).....	*797
			Washburn Street (upstream).....	*819
			Conrail 270 feet upstream from Washburn Street (upstream).....	*820
			Jackson Street.....	*823
			Conrail 1,520 feet upstream from Jackson Street (upstream).....	*840
			Conrail 1,200 feet downstream from North-South Road (downstream).....	*846
			Conrail 1,200 feet downstream from North-South Road (upstream).....	*858
			North-South Road (upstream).....	*860
			North Keyser Avenue (upstream).....	*890
		Lindly Creek.....	South Dewey Avenue.....	*820
			South Merifield Avenue (upstream).....	*831
			South Cameron Avenue (upstream).....	*843
			Keyser Avenue (downstream).....	*853
			Keyser Avenue (upstream).....	*861
			Private Crossing.....	*890
			Private Crossing.....	*900
			Conrail.....	*910
			Quay Avenue extended.....	*960
			Crisp Avenue.....	*987
			Limit of detailed study.....	*1,013

Maps available at the City Engineer's Office, City Hall, Scranton, Pennsylvania.

Send comments to Honorable Eugene Hickey, Mayor of Scranton, 129 North Washington Avenue, Scranton, Pennsylvania 18503.

Pennsylvania.....	Township of Sheshequan, Bradford County.	Susquehanna River.....	Downstream Corporate Limits.....	*723
			Confluence of Horn Brook.....	*733
			Legislative Route 08073 (Upstream).....	*737
			Upstream Corporate Limits.....	*754
		Horn Brook.....	Confluence with Susquehanna River.....	*733
			Legislative Route 08077 (Upstream).....	*867
		Deer Lick Creek.....	Confluence with Susquehanna River.....	*738
		Spaulding Creek.....	Confluence with Susquehanna River.....	*740
			Legislative Route 08077 (Upstream).....	*758
			3,500 feet (Upstream) of Legislative Route 08077.....	*820
		Mallory Creek.....	Confluence with Susquehanna River.....	*748
			Legislative Route 08077 (Upstream).....	*794

Maps available at: The Township Building and at the residence of Marilou Kex, R.D. 1, Uister, Pennsylvania.

Send comments to Mr. Walter B. Cole, Chairman of the Township of Sheshequan, R.D. 1, Uister, Pennsylvania 18850.

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Borough of St. Marys, Elk County.	Elk Creek	Downstream Corporate Limits	*1,588
			Confluence of Iron Run	*1,600
			825 feet downstream from McGill Street	*1,614
			Upstream side of McGill Street	*1,633
			Confluence of Brewery Run	*1,641
			South St. Marys Street (downstream side)	*1,651
			South St. Marys Street (upstream side)	*1,658
			Stackpole Street (upstream side)	*1,664
			Theresa Street (upstream side)	*1,680
			Private Road to Airco Speer Carbon Company (upstream side)	*1,684
			Filmore Street (upstream side)	*1,684
			200 feet upstream of Filmore Road	*1,695
		North Branch Elk Creek	Confluence with Elk Creek	*1,670
			Corporate Limits	*1,671
		Brewery Run	Confluence with Elk Creek	*1,641
			West Mill Street (upstream side)	*1,656
			Center Street (upstream side)	*1,663
			Ohwell Street (downstream side)	*1,672
			Parade Street (downstream side)	*1,678
			Corporate Limits	*1,685
Maps available at the Borough Building.				
Send comments to Mr. Leo Welchman, Borough Manager at St. Marys, 319 Erie Avenue, St. Marys, Pennsylvania 15857.				
Pennsylvania	Borough of Tarentum, Allegheny County.	Allegheny River	Upstream Corporate Limits	*757
			Downstream Corporate Limits	756
Maps available at the Borough Building.				
Send comments to Mr. Lemoyne Demahater, President of the Borough Council of Lemoyne, 304 Lock Street, Tarentum, Pennsylvania 15064.				
Pennsylvania	Borough of Taylor, Lackawanna County.	Lackawanna River	Downstream of Pennsylvania Turnpike-Northeast Extension	*647
			At confluence of Keyser Creek	*661
			Upstream of Conrail bridge	*669
		Keyser Creek	Upstream of Conrail bridge	*661
			Upstream of 2nd Conrail bridge	*680
			Downstream of Abandoned Conrail bridge	*684
			Upstream of Abandoned Conrail bridge	*691
			Near 5th Street (extended)	*712
			Upstream of Dam	*740
			Upstream of culvert near St. Regis Warehouse	*751
			Upstream of 4th Conrail bridge	*760
		St. Johns Creek	Upstream of Sibley Avenue bridge	*727
			Upstream corporate limits of Old Forge and Taylor Boroughs	*728
			Approximately 1,500 feet upstream of Sibley Avenue bridge	*741
			Approximately 2,500 feet upstream of Sibley Avenue bridge	*758
Maps available at the Municipal Building, 122 Union Street, Taylor, Pennsylvania.				
Send comments to Honorable David Noakes, Mayor of Taylor, 516 West Taylor Street, Taylor, Pennsylvania 18517.				
Texas	City of Hunter Creek Village, Harris County.	Buffalo Bayou	Downstream Corporate Limits	*59
			Yoss Road	*62
			Upstream Corporate Limits	*63
Maps available at the Mayor's office.				
Send comments to Honorable Fred C. Smith, Mayor of Hunters Creek Village, 8433 Katy Freeway, Suite 203, Houston, Texas 77024.				
Vermont	Village of North Troy, Orleans County.	Missisquoi River	U.S.-Canadian Border (Corporate Limits)	*516
			Canadian Pacific Railroad	*522
			North Troy Dam (Upstream)	*548
			Pleasant Street (State Route 105)	*548
			Upstream Corporate Limits	*549
Maps available at the Town Clerk's Office.				
Send comments to Mr. Donald Austin, Village Trustee of North Troy, c/o Lucille Cadieux, Town Clerk, Main Street, North Troy, Vermont 05859.				
Virginia	Town of Christiansburg, Montgomery County.	Crab Creek	Downstream Corporate Limits	*1,968
			Upstream of U.S. 460	*1,993
			Cambria Street	*2,022
			Confluence of Walnut Branch	*2,067
		Town Branch	Confluence with Crab Creek	*1,994
			Railroad Street (Upstream)	*2,009
			Stone Street	*2,036
			North Franklin Street (Upstream)	*2,055
		Walnut Branch	Confluence with Crab Creek	*2,067
			Depot Street (Upstream)	*2,078
			U.S. 460 (Upstream)	*2,083
			4,120 feet above mouth	*2,100
Maps available at the Office of the Town Manager.				
Send comments to Honorable Fred Blouret, Mayor of Christianburg, 100 East Main Street, Christianburg, Virginia 24072.				
Virginia	City of Franklin	Blackwater River	Downstream Corporate Limits	*14
			Seaboard Coast Line Railroad (upstream side)	*15
			Limit of Flooding affecting community (2,850 feet upstream of upstream Corporate Limits)	*16
Maps available at the City Hall.				
Send comments to Mr. Harold Atkinson, City Manager of Franklin, Franklin, Virginia 23851.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground, Elevation in foot (NGVD)
Virginia	City of Petersburg	Appomattox River	330 feet downstream of Northbound Interstate 95	*18
			Vepco Harrell Dam (upstream side)	*23
			State Route 36 (upstream side)	*20
			Vepco Dam (upstream side)	*30
		Appomattox River Navigation Channel	Upstream Crossing of Seaboard Coast Line Railroad (upstream side)	*41
			Confluence of Hamson Creek	*12
			U.S. Route 301 (downstream side)	*18
			Downstream Corporate Limits	*123
		Blackwater Swamp	Upstream Route 460 (upstream side)	*120
			Norfolk and Western Railway (upstream side)	*135
			U.S. Route 301 (upstream side)	*143
			Retnag Road (downstream side)	*140
		Blackwater Swamp Tributary	Confluence with Blackwater Swamp	*130
			U.S. Route 301 (downstream side)	*144
		Hamson Creek	Confluence with Appomattox River Navigation Channel	*12
			Upstream Side Access Road (1,505 feet downstream of State Route 645)	*20
			State Route 645 (upstream side)	*30
			Norfolk and Western Railway (upstream side)	*43
		Poor Creek	1,790 feet upstream of East Washington Street at Limit of Detailed Study	*43
			Confluence with Appomattox River Navigation Channel	*12
			First Downstream Crossing of the Norfolk and Western Railway (upstream side)	*20
			Upstream side of Dam	*20
		Lieutenant Run	Pine Oak Avenue (upstream side)	*45
			825 feet upstream of Pine Oak Avenue (Limit of Detailed Study)	*47
			Confluence with Appomattox River Navigation Channel	*15
			Upstream Side of Washington Street Culvert	*30
			Graham Road (upstream side)	*52
			Upstream Side of South Sycamore Street Culvert	*70
			Northbound Interstate 95 (upstream side)	*85
			Baylor's Lane (upstream side)	*90
		Brickhouse Run	240 feet upstream of confluence of Tributary 3 (Limit of Detailed Study)	*102
			Confluence with Appomattox River	*20
			West Bank Street (upstream side)	*27
			North Market Street (upstream side)	*45
			West Washington Street (upstream side)	*57
			South Street (upstream side)	*68
			North West Street (upstream side)	*80
			West Fairground Road (upstream side)	*91
		Rohole Creek	Pleasant Lane (upstream side)	*102
			Elm Street (upstream side)	*100
			2,095 feet upstream of Elm Street	*120
			Confluence with Appomattox River	*51
			Norfolk and Western Railway (upstream side)	*70
			Cox Road (upstream side)	*87
			Seaboard Coast Line Railroad (upstream side)	*100
			Eastbound Interstate 85 (upstream side)	*109
			State Route 142 (upstream side)	*110

Maps available at the Office of the City Manager.

Send comments to Mr. Robert D. Swander, City Manager of Petersburg, City Hall, Room 202, Petersburg, Virginia 23803.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19887; and delegation of authority to Federal Insurance Administrator 44 FR 20963.))

Issued: October 18, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[FR Doc. 79-34085 Filed 11-0-79; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA 5728]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance  
Administration, FEMA.

ACTION: Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

**DATE:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.



**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line, (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4 (a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain

management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

#### Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Gilroy (City), Santa Clara (County)	Lions Creek	Wren Avenue 100 feet upstream from centerline	*207
		Llagas Overbank	State Highway 152 25 feet upstream from centerline	*182
			Leavesley Road at centerline	*199
		Miller Slough	Lewis Street 50 feet upstream from centerline	*194
			Walburn Avenue 50 feet upstream from centerline	*205
		North Morey Creek	Kern Avenue at centerline	*211
		South Morey Creek	Wren Avenue 25 feet upstream from centerline	*207
		Uvas Creek	Miller Avenue 100 feet upstream from centerline	*213
		West Branch Llagas Creek	Ronan Avenue 100 feet upstream from centerline	*208

Maps available at: City Hall, P.O. Box 66, Gilroy, California 95020.

Send comments to: Honorable Norman B. Goodrich, Mayor, City of Gilroy, City Hall, P.O. Box 66, Gilroy, California 95020.

California	Glenn County Unincorporated Areas.	Walker Creek	County Road 35 at centerline	*160
			County Road 33 30 feet upstream from centerline	*167
		Stony Creek	Tehama-Colusa Canal 100 feet upstream from centerline	*230
			Interstate Highway 5 at centerline	*264
		Hambright Creek	State Highway 99 West at centerline	*256
			County Road G at centerline	*276
			County Road FF 25 feet upstream from centerline	*285
		South Fork Willow Creek (Sheet Flow).	Intersection of County Road KK and County Road 48	#1
		South Fork Willow Creek (Ponding).	Intersection of Garden Street and Second Street	*130
			Intersection of Green Street and Butte Street	*136
		Wilson Creek (Ponding)	Intersection of State Highway 99 West and County Road 45	*139
			2000 feet southwest of the intersection of Interstate Highway 5 and County Road 39.	*148
		Walker Creek (Ponding)	Intersection of County Road 47 and County Road 48	*130

Maps are available at: County Planning Department, County Courthouse, 526 West Sycamore, Willows, California.

Send comments to: Mr. Keith Hansen, Chairman, Board of Supervisors, Glenn County, California, County Courthouse, 526 West Sycamore, Willows, California 95968.

California	Milpitas (City), Santa Clara County.	San Francisco Bay	200 feet West on Dixon Landing Road from intersection with State Highway 17.	*7
		Lower Penitencia Creek	Intersection of Heath Street and Redwood Avenue	*10
			500 feet North along Main Street from intersection of Main Street and Railroad Avenue.	*13
			Intersection of Windsor Street and Calaveras Boulevard	#1
			200 feet South of intersection of Serra Way and Abbott Avenue	*16
			Intersection of Sylvia Avenue and Palmer Street	*17
			Intersection of Capital Avenue and Moonlight Way	*26
			600 feet North of intersection of Hammond Way and East Curtis Avenue.	*24
			600 feet North of confluence of Lower Penitencia Creek and East Penitencia Creek.	*33
			175 feet West of intersection of Sylvia Avenue and Palmer Street	#2
			800 feet Southwest along Wrigley Road from intersection of Wrigley Road and East Calaveras Boulevard.	*20
			600 feet Northeast along East Carlos Street from intersection of East Carlos Street and South Main Street.	*17
		East Penitencia Creek	400 feet Southeast of confluence of Lower Penitencia Creek and East Penitencia Creek.	*33
		Berryessa Creek	400 feet Southeast of intersection of Montague Expressway and Piper Drive.	*49
			Intersection of Montague Expressway and Gladding Court	#1
			600 feet South of intersection of Montague Expressway and Watson Court.	#2
		Ponding	Intersection of Hillview Drive and Jacklin Road	*24
			1,500 feet East along Montague Expressway along (Northbound Lane) intersection of Montague Expressway and South Main Street.	*35
			Intersection of Interstate 680 and Yosemite Drive	*48

Maps available at: Office of the City Engineer, City Hall, 455 East Calaveras Boulevard, Milpitas, California.

Send comments to: Honorable Peter McHugh, Mayor, City of Milpitas, City Hall, 455 East Calaveras Boulevard, Milpitas, California 95035.

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in foot (NGVD)
Colorado	Douglas County, Unincorporated areas.	Plum Creek	Titan Road 150 feet downstream from centerline	*5,529
			Titan Road 50 feet upstream from centerline	*5,538
			Denver and Rio Grande Western Railroad 50 feet upstream from centerline.	*5,630
			Unnamed Road 25 feet upstream from centerline	*5,847
			West Rio Grande Avenue 25 feet upstream from centerline	*5,740
			Confluence with East Plum and West Plum Creeks	*5,770
		East Plum Creek at Sedalia Indian Creek	State Highway 67 100 feet upstream from centerline	*5,785
			Rainbow Creek Road 25 feet upstream from centerline	*5,932
			Cherokee Drive 25 feet upstream from centerline	*5,988
			Apache Drive 25 feet upstream from centerline	*6,078
		West Plum Creek	Perry Park Road (first crossing) 50 feet upstream from centerline	*6,339
			Red Rock Drive 25 feet upstream from centerline	*6,430
			Private Road 25 feet upstream from centerline	*6,467
		East Plum Creek At Larkspur	Interstate Highway 25 125 feet upstream from centerline	*6,599
			County Road No. 18 25 feet upstream from centerline	*6,620
			Pony Park Avenue 50 feet upstream from centerline	*6,662
			Spruce Mountain Road 50 feet upstream from centerline	*6,697
		Hangmans Gulch	Confluence with East Plum Creek	*6,100
			Denver and Rio Grande Western Railroad 25 upstream from centerline.	*6,145
			Interstate Highway 25 140 feet upstream from centerline	*6,195
			Corporate Limits (2nd crossing) 10 feet upstream from centerline	*6,288
		East Plum Creek At Castle Rock	Confluence with Hangmans Gulch 50 feet upstream from centerline	*6,100
			Interstate Highway 25 50 feet upstream from centerline	*6,214
		Sellers Gulch	Dirt Road (first crossing) 25 feet upstream from centerline	*6,287
			Dirt Road (second crossing) 25 feet upstream from centerline	*6,317
		Unnamed Tributary to Sellers Gulch	County Road 25 feet upstream from centerline	*6,255
		Carpenter Creek	Denver and Rio Grande Western Railroad 125 feet upstream from centerline.	*6,841
			County Road No. 74 50 feet upstream from centerline	*6,895
		Cherry Creek	Arapahoe and Douglas County Limits 40 feet upstream from centerline.	*5,710
			West Parker Road 160 feet upstream from centerline	*5,814
			Stroh Avenue 50 feet upstream from centerline	*5,905
			Scott Road 40 feet upstream from centerline	*5,987
			County Road 40 feet upstream from centerline	*6,040
		Happy Canyon Creek	Corporate Limits 50 feet upstream from centerline	*5,725
			Dogwood Avenue 50 feet upstream from centerline	*5,811
			Birch Avenue 50 feet upstream from centerline	*5,834
			West Parker Road 100 feet upstream from centerline	*5,850
			First Street 125 feet upstream from centerline	*5,857
		Newlin Gulch	Confluence with Cherry Creek	*5,773
			Jordan Road 50 feet upstream from centerline	*5,819
			Dirt Road 100 feet upstream from centerline	*6,004
		Baldwin Gulch	Confluence with Cherry Creek 150 feet upstream from centerline	*5,759
			Pine Street 35 feet upstream from centerline	*5,774
			Pine Drive 25 feet upstream from centerline	*5,894
			Soil Conservation Service Flood Control Dam 25 feet upstream from centerline.	*5,958
			Antelope Trail 25 feet upstream from centerline	*6,041
		Sulphur Gulch	Confluence with Cherry Creek	*5,818
			Park Road (State Highway 83) 15 feet upstream from centerline	*5,850
			County Road No. 9 25 feet upstream from centerline	*6,119
		Tailman Gulch	Seibert Circle (1st crossing) 75 feet upstream from centerline	*5,893
			Unnamed Road 25 feet upstream from centerline	*5,968
		Bayou Gulch	Confluence with Cherry Creek 50 feet upstream from centerline	*5,997
			State Highway 83 150 feet upstream from centerline	*6,024
			Dirt Road 100 feet upstream from centerline	*6,205
		South Platte River	State Highway 67 50 feet upstream from centerline	*6,388
			County Road 126 40 feet upstream from centerline	*6,400
		Horse Creek	Dirt Road 75 feet upstream from centerline	*6,406
		West Creek	Dirt Road 15 feet upstream from centerline	*7,414
			Unnamed Road (2nd crossing) 25 feet upstream from centerline	*7,460
			National Forest Access Route 200 25 feet upstream from centerline	*7,482
Maps available at: Planning and Zoning Department, 355 South Wilcox Street, Castle Rock, Colorado.				
Send comments to: Mr. Gill Whitman, Chairman, Board of County Commissioners, Douglas County, 200 Wilcox Street, Castle Rock, Colorado, Attn: Hank Epstein, Planning Director 80104				
Colorado	Mintum (Town), Eagle County	Eagle River	Downstream corporate limits 30 feet upstream	*7,788
			North Bridge on Main Street at centerline	*7,817
			South Bridge 12 feet upstream from centerline	*7,859
			Most upstream corporate limits	*7,938
Maps are available at: Town Hall, 302 Pine, Mintum, Colorado.				
Sent comments to: Honorable Harold Belim, Mayor, Town of Mintum, Town Hall, P.O. Box 381, Mintum, Colorado 81645, Attn: Carlos Miranda, Town Manager.				
Georgia	Chatham County Unincorporated Areas.	Savannah River	U.S. Highway 17 900 feet upstream from centerline	*12
			County Limits 800 feet downstream	*15
		Black Creek	Confluence with Savannah River	*12
			State Highway 21 at centerline	*12
		St. Augustine Creek	Unnamed Road 1,000 feet upstream from centerline	*13
		Tributary to St. Augustine Creek	Godley Road 200 feet upstream from centerline	*12
			Interstate Highway 95, 2250 feet upstream from centerline	*18
		Pipemaker's Canal	State Highway 21 200 feet upstream from centerline	*11
			Newton Street 200 feet upstream from centerline	*17
			U.S. Highway 80 300 feet downstream from centerline	*20

Maps available at: Planning and Zoning Department, 355 South Wilcox Street, Castle Rock, Colorado.

Send comments to: Mr. Gill Whitman, Chairman, Board of County Commissioners, Douglas County, 200 Wilcox Street, Castle Rock, Colorado, Attn: Hank Epstein, Planning Director 80104.

Maps are available at: Town Hall, 302 Pine, Mintum, Colorado.

Send comments to: Honorable Harold Belm, Mayor, Town of Mintum, Town Hall, P.O. Box 381, Mintum, Colorado 81645, Attn: Carlos Miranda, Town Manager.

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Hardin Canal	Interstate Highway 16 200 feet upstream from centerline	*12
			Seaboard Coast Line Railroad most upstream crossing at centerline	*18
		Ogeechee River	Morgan Bridge 1,600 feet downstream from centerline	*26
		Little Ogeechee River	Upstream limit of detailed study (approximately 21,000 feet upstream from U.S. Highway 17)	*12
		Little Ogeechee River Tributary	Upstream limit of detailed study (approximately 24,500 feet upstream from U.S. Highway 17)	*12
		Tributary to Salt Creek	Seaboard Coast Line Railroad at centerline	*12
			Louisville Road at centerline	*15
		Dundee Canal	Louisville Road 100 feet upstream from centerline	*12
			Seaboard Coast Line Railroad 100 feet upstream from centerline	*15
		Tributary C to Lower Springfield Canal	Seaboard Coast Line Railroad 200 feet upstream from centerline	*11
			Garrard Avenue most upstream crossing at centerline	*12
		Springfield Canal	52nd Street 80 feet upstream from centerline	*13
		Springfield Canal Tributary A	U.S. Highway 17 most downstream crossing 300 feet upstream from centerline	*14
		Atlantic Ocean	Area in the vicinity of Hutchinson Island east of Garden City	*11
			Area in the vicinity of the intersection of U.S. Highway 17 and Fort Argyle Road	*11
			Area in the vicinity of the U.S. Highway 80 crossing over the Wilmington River	*12
			Area in the vicinity of the U.S. Highway 80 crossing over the Bull River	*13
			Area in the vicinity of Parkersburg	*13
			Area in the vicinity of Pin Point	*13
			Area in the vicinity of Cockspur Island	*14
			Area in the vicinity of Marsh Island	*14
			Area in the vicinity of Pine Island	*15
			Area in the vicinity of the intersection of South End Road and North Buckhead Road	*15
			Area in the vicinity of South Beach Road and Hell Hole Road	*16
			Area in the vicinity of Bradley Point	*16

Maps are available at: Chatham County Courthouse, Savannah, Georgia.

Send comments to: Mr. Shelby Myrick, Chairman, Chatham County commissioners, Chatham County Courthouse, P.O. Box 8181, Savannah, Georgia 31401

Kentucky	Dayton (City), Campbell County	Ohio River	Intersection of Third Avenue and Vine Street	*499
			Intersection of Fourth Street and Clark Street	*500

Maps available at: City Office Building, 514 6th Avenue, Dayton, Kentucky.

Send comments to: Honorable Gilbert Lynn, Mayor, City of Dayton, City Office Building, 514 6th Avenue, Dayton, Kentucky 41074.

Kentucky	Independence (City), Kenton County	Banklick Creek	Richardson Road at centerline	*565
			Louisville and Nashville Railroad (most downstream crossing) at centerline	*581
			Webster Road North 50 feet upstream from centerline	*610
			50 feet upstream from the confluence with Brushy Fork	*693
			Independence Station Road at centerline	*726
			Webster Road South at centerline	*744
			Cody Road 125 feet upstream from centerline	*754
			Brislow Road at centerline	*765
		Fowler Creek	Polly Road 80 feet upstream from centerline	*713
			McCullum Pike at centerline	*771
			Harris Road at centerline	*803
		Brushy Fork	Louisville and Nashville Railroad Culvert 50 feet upstream from centerline	*693
			Independence Station Road at centerline	*742
			Banklick Station Road 25 feet upstream from centerline	*778

Maps are available at: Independence City Building, 5292 Madison Pike, Independence, Kentucky.

Send comments to: Honorable Marion Schadler, Mayor, City of Independence, Independence City Building, P.O. Box 126, Independence, Kentucky 41051.

Louisiana	Lockport (Town), Lafourche Parish	Old Intracoastal Waterway and Bayou Lafourche	Intersection of Catherine Street and Walnut Street	*5
			Intersection of 4th Street and Lafourche Street	*5

Maps are available at: Town Hall, 302 Barataria, Lockport, Louisiana.

Send comments to: Honorable Al Robichaux, Mayor, Town of Lockport, Town Hall, 302 Barataria, Lockport, Louisiana 70374.

Mississippi	Brandon (City), Rankin County	Terrapin Skin Creek	Interstate Highway 20 westbound lanes 40 feet upstream from centerline	*343
			State Highway 471 30 feet upstream from centerline	*365
		Terrapin Skin Creek Tributary 1	At confluence with Terrapin Skin Creek	*345
			At corporate limits	*371
		Terrapin Skin Creek Tributary 2	At confluence with Terrapin Skin Creek	*345

Maps are available at: City Hall, 205 Government Street, Brandon, Mississippi.

Send comments to: Honorable Royce Baker, Mayor, City of Brandon, City Hall, 205 Government Street, Brandon, Mississippi 39042.

Mississippi	Florence (Town), Rankin County	Steen Creek	South Church Street 10 feet upstream from centerline	*291
		Town Branch	At confluence with Steen Creek	*291
			West Main Street 50 feet upstream from centerline	*309
			At upstream corporate limits	*344
		Indian Creek	U.S. Highway 49 northwest bound lanes 25 feet upstream from centerline	*296
		Indian Creek Tributary No. 1	U.S. Highway 49 southbound lanes 50 feet upstream from centerline	*296
			Illinois Central Gulf Railroad 50 feet upstream from centerline	*311
		Butler Creek	Williams Street 25 feet upstream from centerline	*305

Maps are available at: Town Hall, Post Office Box 187, Florence, Mississippi.

Send comments to: Honorable Ralph E. Jones, Mayor, Town of Florence, Town Hall, Post Office Box 187, Florence, Mississippi 39073.

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Mississippi	Magee (City), Simpson (County)	Goodwater Creek	U.S. Highway 49 (Southbound lane) at centerline	*379
			Siloam Avenue southeast at centerline	*383
		Mill Creek	11th Avenue northwest 30 feet upstream from centerline	*415
		Mill Creek Tributary 1	Raleigh Drive 20 feet upstream from centerline	*398
Maps available at: Town Office, 123 North Main Avenue, Magee, Mississippi.				
Send comments to: Honorable Pete Russell, Mayor, City of Magee, City Hall 123 North Main Avenue, Magee, Mississippi 39111.				
Nevada	North Las Vegas (City), Clark County	Las Vegas Wash	Carey Avenue 50 feet downstream from centerline	*1,030
			Carey Avenue 50 feet upstream from centerline	*1,841
			Cheyenne Avenue 50 feet downstream from centerline	*1,850
			Cheyenne Avenue 75 feet upstream from centerline	*1,865
			Losee Road 100 feet upstream from centerline	*1,915
		Unnamed Tributary to Las Vegas Wash	Cheyenne Avenue at centerline	*1,860
			Losee Road 50 feet upstream from centerline	*1,900
			Craig Road 50 feet upstream from centerline	*1,950
			Tillman Drive at centerline	*1,997
Maps available at: City Hall, 2200 Center Drive, North Las Vegas, Nevada.				
Send comments to: Honorable Ray H. Dainen, Mayor, City of North Las Vegas, City Hall, 2200 Civic Center Drive, North Las Vegas, Nevada 89030.				
New York	Greenburgh (Town), Westchester (County)	Bronx River	Scarsdale Dam 20 feet downstream from centerline	*133
			Scarsdale Dam 20 feet upstream from centerline	*140
			Green Acres Avenue at centerline	*104
			U.S. Interstate Highway 287 at centerline	*100
			Washington Street 40 feet upstream from centerline	*107
		Saw Mill River	Lawrence Street 40 feet upstream from centerline	*120
			New York State Thruway at centerline	*109
			Fairview Park Bridge at upstream face	*100
		Manhattan Park Brook	County Center Road at centerline	*107
Maps available at: The Office of the Planning Director, Town Hall, Tarrytown Road, Elmsford, New York.				
Send comments to: Mr. Anthony F. Veteran, Town Supervisor, Town of Greenburgh, Town Hall, Box 205, Elmsford, New York 10523.				
New York	North Hornell (Village), Steuben County	Canisteo River	Seneca Street (State Routes 21 and 36) 50 feet upstream from centerline	*1,155
			Confluence with Big Creek 50 feet upstream from centerline	*1,162
		Big Creek	Confluence with Canisteo River 50 feet upstream from centerline	*1,162
			Seneca Street (State Routes 21 and 36) 50 feet upstream from centerline	*1,166
Maps are available at: Village Hall, West Maplewood Avenue, North Hornell, New York.				
Send comments to: Honorable Roy Graham, Mayor, Village of North Hornell, Village Hall, West Maplewood Avenue, North Hornell, New York 14843.				
New York	Savona (Village), Steuben County	Cohocton River	Conrail 25 feet above centerline	*1,042
			State Route 226 25 feet above centerline	*1,050
		Mud Creek	U.S. Route 15 southbound lanes 50 feet upstream from centerline	*1,045
			State Route 226 125 feet upstream from centerline	*1,050
			Footbridge 50 feet upstream from centerline	*1,054
Maps are available at: Savona Library, McCoy Street, Savona, New York.				
Send comments to: Honorable Raymond Tears, Mayor, Village of Savona, Village Hall, 14 Centre Street, Savona, New York 14879.				
New York	Yonkers (City), Westchester (County)	Bronx River	Most downstream Footbridge 200 feet upstream from centerline	*72
			Tuckahoe Road 140 feet upstream from centerline	*95
			Man Street 70 feet upstream from centerline	*104
			Harney Road 30 feet upstream from centerline	*120
			Bronx River Parkway 140 feet upstream from centerline	*124
		Grassy Sprain Brook	Kimbal Avenue at centerline	*80
			Palmer Road at centerline	*80
		Troublesome Brook	Shoreview Drive 15 feet upstream from centerline	*101
			Belmont Circle Bridge at centerline	*104
		Tibbetts Brook	Conrail Crossing 20 feet upstream from centerline	*30
		Saw Mill River	Old Croton Aqueduct 50 feet upstream from centerline	*99
			Lake Avenue Bridge 100 feet upstream from centerline	*100
		Saw Mill River	Hearst Street Bridge 75 feet upstream from centerline	*110
		Hudson River	Upstream Corporate Limits	*8
			Downstream Corporate Limits	*8
Maps available at: City Hall, Yonkers, New York.				
Send comments to: Honorable Angelo Martinek, Mayor, City of Yonkers, City Hall, Yonkers, New York 10701.				
North Dakota	Reille's Acres (City), Cass County	Red River of the North	Entire incorporated area of the City of Reille's Acres, North Dakota	*894a
Maps available at: The home of Mr. Dave McDougall, Reille's Acres, North Dakota and at the home of Mrs. Marie Tareski, Reille's Acres, North Dakota.				
Send comments to: Honorable James D. Knutson, Mayor, City of Reille's Acres, Rural Route 2, Fargo, North Dakota 58102.				
South Dakota	Dell Rapids (City), Minnehaha (County)	Big Sioux River	Dam at centerline	*1,491
			U.S. Highway 77 at centerline	*1,492
			Beach Avenue (extended) at centerline	*1,493
		Dells of the Big Sioux River	U.S. Highway 77 at centerline	*1,492
Maps available at: City Hall, 302 East Fourth Street, Dell Rapids, South Dakota 57022.				
Send comments to: Honorable Thomas Gullickson, Mayor, City of Dell Rapids, City Hall, 302 East Fourth Street, Dell Rapids, South Dakota 57022.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Dakota	Yankton (City), Yankton County	Marne Creek	Confluence with Missouri River 290 feet upstream	*1,170
			4th Street and Secondary State Highway 50 Bridge at centerline	*1,175
			Burleigh Street Bridge 25 feet upstream	*1,186
			Walnut Street Bridge 10 feet upstream from centerline	*1,198
			15th Street Bridge 130 feet upstream from centerline	*1,212
		Marne Creek North	Chicago and Northwestern Railway Bridge	*1,212
			Most downstream shopping center entrance 172 feet upstream	*1,222
		Marne Creek Tributary	Confluence with Marne Creek North	*1,212
			21st Street Culverts 280 feet upstream	*1,221
			West City Limits Road 110 feet downstream	*1,233
Maps are available at: City Hall, Yankton, South Dakota.				
Send comments to: Honorable Robert Litschewski, Mayor, City of Yankton, City Hall, P.O. Box 178, Yankton, South Dakota 57078, Attn: Clifford Stockmeyer, City Manager.				
Washington	Puyallup (City), Pierce County	Puyallup River	State Highway 512 at centerline	*39
		Clarks Creek	West Pioneer Avenue at centerline	*25
		Sheet Flow	Intersection of 12th Avenue Southwest and 9th Street Southwest	#1
			Intersection of 12th Avenue Southeast and 27th Street Southeast	#1
Maps are available at: City Hall, 218 West Pioneer, Puyallup, Washington.				
Send comments to: Honorable Mary Meyer, Mayor, City of Puyallup, City Hall, P.O. Box 1185, Puyallup, Washington 98371.				
Washington	Wenatchee (City), Chelan County	Alluvial Fan Flooding from Dry Gulch, No. 1 and No. 2 Canyons.	Intersection of Red Apple Road and Okanogan Avenue	#1
			Intersection of Crawford Avenue and Methow Street	#1
			Intersection of Peachey Street and Okanogan Avenue	#1
			Intersection of Cherry Street and Miller Street	#1
			Intersection of Washington Street and Miller Street	#1
			Intersection of Washington Street and King Street	#1
			Intersection of Washington Street and Dana Avenue	#1
			Intersection of 5th Street and Elliott Avenue	#1
			Intersection of 5th Street and Sunset Avenue	#1
			Intersection of Springwater Street and Amherst Street	#1
Maps are available at: Community Development Office, 2 South Chelan Street, Wenatchee, Washington.				
Send comments to: Honorable Jim Lynch, Mayor, City of Wenatchee, City Hall, P.O. Box 519, Wenatchee, Washington 98801.				
Wisconsin	Black Earth (Village), Dane County	Black Earth Creek	U.S. Highway 14 (downstream crossing) 50 feet downstream from centerline	*808
		Vermont Creek	Chicago, Milwaukee, St. Paul, and Pacific Railroad at centerline	*817
			County Highway KP at centerline	*813
Maps available at: Village Clerk's Office, Village Hall, 1210 Mills Street, Black Earth, Wisconsin.				
Send comments to: Mr. Jack Curtis, Village President, Village of Black Earth, Village Hall, 1210 Mills Street, Black Earth, Wisconsin 53515.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: October 18, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[FR Doc. 79-34087 Filed 11-06-79; 8:45 am]

BILLING CODE 6718-03-M

## 44 CFR Part 67

[Docket No. FEMA 5729]

National Flood Insurance Program;  
Proposed Flood Elevation  
DeterminationsAGENCY: Federal Insurance  
Administration, FEMA.

ACTION: Proposed Rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of

the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

## Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in foot (NGVD)
Alabama	City of Livingston, Sumter County	Sucunoochee River	Approximately 300 feet downstream of U.S. Hwy 11	*118
		Whiterock River	Just upstream of Alabama Hwy 28	*133
			Approximately 100 feet upstream of Pickens Street	*146
		Sandy Creek	Approximately 100 feet upstream of Alabama Hwy 28	*130
			Approximately 80 feet upstream of Pickens Street	*150
Maps available at: City Hall, Lafayette Street, Livingston, Alabama 35470.				
Send comments to: Mayor Drayton Pruitt or Thomas Luke, City Clerk, P.O. Drawer W, Livingston, Alabama 35470.				
Alabama	City of York, Sumter County	Toomsba Creek	150 feet upstream of Boulevard Avenue	*151
			Just upstream of Alabama Highway 17	*154
			300 feet upstream of Frisco Railroad	*157
Maps available at: City Clerk's Office, City Hall, Broad Street, P.O. Box Drawer B, York, Alabama 36925.				
Send Comments to: Major W. C. Grant or Frances Green, City Clerk, City Hall, Broad Street, P.O. Box Drawer B, York, Alabama 36925.				
Illinois	(V) Elmwood Park, Cook County	Des Plaines River	Just upstream of North Avenue	*622
			At the western corporate limit	*622
		Golf Course Tributary	About 100 feet upstream of Thatcher Road	*624
			Just downstream of Fullerton Avenue	*620
		Shallow Flooding (overflow from Golf Course Tributary).	500 feet upstream of the intersection of the Culvert and Thatcher Road.	#1'
Maps available at: Village Hall, 11 Conti Parkway, Elmwood Park, Illinois.				
Send Comments to: Mr. Elmer W. Conti, Village President, Village of Elmwood Park, Village Hall, 11 Conti Parkway, Elmwood Park, Illinois 60635.				
Iowa	(C) LeClaire, Scott County	Mississippi River	At western corporate limits	*577
			At northern corporate limits	*580
		Sycamore Creek	At mouth	*577
			Just upstream Canal Shore Drive	*570
			Just upstream U.S. Highway 67	*592
			About 1,500 feet upstream U.S. Highway 67 near confluence of unnamed tributary to east.	*619
			Just upstream Sycamore Drive	*658
			250 feet downstream Interstate 80	*665
			400 feet upstream Interstate 80	*683
			At northern corporate limits along Wisconsin Street	*693
Maps available at: City Hall, LeClaire, Iowa 52753.				
Send Comments to: The Honorable Norman H. Monert, Mayor, City of LeClaire, City Hall, LeClaire, Iowa 52753.				
Iowa	Ottumwa, Wapello County	Des Moines River	Downstream corporate limits	*635
			Just upstream of U.S. Highway 34	*638
			Just upstream of Market Street	*639
			Approximately 2,375 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	640
			About 200 feet upstream of Blackhawk Road	*641
			Approximately 1,600 feet upstream of Blackhawk Road	*642
			Upstream corporate limits	*643
Maps available at: City Hall, 105 East 3rd, Ottumwa, Iowa 52501.				
Send Comments to: The Honorable Paul Derby, Mayor, City of Ottumwa, City Hall, 105 East 3rd, Ottumwa, Iowa 52501.				

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kentucky	Bowling Green, Warren County	Jennings Creek (Backwater Flooding from Barren River)	Approximately 400 feet downstream of Barren River Road	*445
		Barren River	Just downstream of Old Richdeville Road (State Highway 185)	*447
			Just upstream of Louisville Road (US Route 31 W)	*454
		Sinkhole No. 1	North of the intersection of Wakefield Street and Batsel Avenue	*500
		Sinkhole No. 2	Southwest of intersection of Fairdale Avenue and Eastwood Street	*500
		Sinkhole No. 3A	South along Lehman Avenue from its intersection with Fairview Avenue	*505
		Sinkhole No. 3B	Southeast of the intersection of Lehman and Fairview Avenue	*502
		Sinkhole No. 4	Northwest of the intersection of Cardinal Way and Richland Drive	*512
		Sinkhole No. 5	Intersection of Oxford Way and Dorchester Drive	*481
		Sinkhole No. 6	West of intersection of Canterbury Way and Saint Albans Drive	*495
		Sinkhole No. 7	Northeast of intersection of Cambridge Way and Scott Lane	*478
		Sinkhole No. 8	North along Canton Avenue from its intersection with Loudon Street	*524
		Sinkhole No. 9	South of intersection of Lyda Avenue and Andrea Street	*532
		Sinkhole No. 10	Northeast of the intersection of Pedigo Way and Scottsville Road (US Highway 231)	*517
		Sinkhole No. 13	South of the intersection of McElroy Way and Nham Drive	*489
		Sinkhole No. 14	North of curve of Barbary Court	*467
		Sinkhole No. 16	At the intersection of Searcy Way, Airway Court and Airway Drive	*518
		Sinkhole No. 18A	Northwest of intersection of Lee Drive and Auburn Way	*495
		Sinkhole No. 18B	Approximately 80 feet northeast of the intersection of Lee Drive and Auburn Way	*493
		Sinkhole No. 19A	North of the intersection of Catherine and Holly Drives	*467

Maps available at: City Clerk's Office, City Hall, 10th & College Street, Bowling Green, Kentucky 42101.

Send comments to: Mayor B. L. Green or Mr. Charles Coates, City Manager, City Hall, P.O. Box, Bowling Green, Kentucky 42101.

Kentucky	Unincorporated areas of Warren County	Jennings Creek	Just downstream of Corporate Limits, Approximately 5,000 feet south from intersection of Jennings Creek with U.S. Highway 231.	*460
			U.S. Highway 231	*445
			State Highway 1435	*445
		Drakes Creek	State Highway 234	*462
			Just downstream of Old Scottsville-Bowling Green Road	*471
			Just downstream of U.S. Highway 231	*479
			Approximately 100 feet downstream of State Highway No. 240	*504
		Barren River	Approximately 1500 feet upstream of River Mile D	*441
			Confluence with Jennings Creek	*445
			State Highway 185 (Richdeville Road)	*448
			Approximately 200 feet downstream of Louisville and Nashville Railroad	*453
			Approximately 150 feet upstream from Interstate Highway 65	*460

Maps available at: Warren County Judge's Office, Warren County Courthouse, 429 East 10th Street, Bowling Green, Kentucky 42101.

Send comments to: Honorable Basil Griffin, Warren County Courthouse, 429 East 10th Street, Bowling Green, Kentucky 42101.

North Carolina	Unincorporated areas of Buncombe County	French Broad River	Just downstream of Alexander Bridge	*1,780
			Just downstream of Craggy Bridge	*1,948
			Just upstream of Amboy Road	*1,992
			Just upstream of State Highway 280 (Long Shoals Road)	*2,036
		Swannanoa River	Just downstream of U.S. Highway 70	*2,058
			Just downstream of Farm School Road (State Route 2412)	*2,122
			Just downstream of Old Toll Circle	*2,410
		Gashes Creek	Just upstream of U.S. Highway 74	*2,078
			Approximately 100 feet upstream of Rose Hill Road	*2,140
		Beetree Creek	Just upstream of Warren Wilson Road (State Route 2418)	*2,155
		North Fork Swannanoa River	Just upstream of Old U.S. Highway 70 (State Route 2435)	*2,252
			Just downstream of (State Route 2489)	*2,331
		Flat Creek	Just upstream of Padgett Town Road (State Route 2517)	*2,426
		Reed Creek	Just upstream of Expressway Ramp	*1,974
		Ivy Creek	Just upstream of Buckner Road	*2,126
			Just downstream of Dam	*2,156
			Just upstream of Dam	*2,164
		Dillingham Creek	Just upstream of Paint Fork Road	*2,190
			Just downstream of Dillingham Road	*2,267
		Reems Creek	Just upstream of New Stock Road	*1,948
			Just downstream of Reems Creek Road	*2,025
		Hominy Creek	Just upstream of East Oakview Road	*2,023
			Just downstream of Pisgah Mountain Road	*2,089
		Moore Creek	Just upstream of U.S. Highway 19 and 23 (State Route 1241)	*2,061
			Approximately 50 feet upstream of westbound Interstate Highway 40	*2,123
		Pole Creek	Just upstream of U.S. Highway 19 and 23	*2,069
			Just downstream of Dogwood Drive (Pole Creek Road)	*2,096
		Cane Creek	Just downstream of Mills Gap Road (State Route 3115)	*2,098
		Robinson Creek	Just upstream of Cane Creek Road	*2,103
			Just upstream of Lower Christ School Road	*2,127

Maps available at: Office of the Director of Buncombe County Courthouse Planning, P.O. Box 7435, Asheville, North Carolina 28607.

Send comments to: G. W. Tressier, Director of the Planning Department, P.O. Box 7435, Asheville, North Carolina 28607.



## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Ohio	(V) Lowell Washington County	Muskingum River	Southeast corporate limit	*623
			Southwest corporate limit	*624
Maps available at: The Village Hall, Walnut Street, Lowell, Ohio.				
Send comments to: The Honorable Dena Cossman, Mayor, Village of Lowell, Village Hall, Walnut Street, Lowell, Ohio 45744.				
Wisconsin	(V) Marathon City, Marathon County	Big Rib River	At the most southerly corporate limit extended, approximately 1.51 miles downstream of State Highway 107.	*1,202
			Approximately 1,200 feet upstream of State Highway 107	*1,205
			Upstream corporate limits	*1,200
Maps available at: Village Clerks Office, Village Hall, Marathon City, Wisconsin.				
Send Comments to: Roland Miller, Village President, Village of Marathon City, Village Hall, Marathon City, Wisconsin.				
Wisconsin	(C) Ripon, Fond Du Lac County	Silver Creek	Downstream corporate limits	*820
			Just upstream Berlin Road	*850
			Just upstream Oshkosh Road	*854
			Just upstream Hamburg Street	*881
			Just downstream Eureka Street	*904
			Just upstream Eureka Street	*911
			Just upstream Gothic Mill Pond Dam	*925
			Upstream corporate limits	*929
Maps available at: Office of the Director of Public Works, City Hall, 100 West Jackson Street, Ripon, Wisconsin.				
Send Comments to: The Honorable Warren C. Bredahl Mayor, City of Ripon, City Hall, 100 West Jackson Street, Ripon, Wisconsin 54971.				
Wisconsin	(Unincorporated), Sauk County	Baraboo River	At County boundary	*803
			Just upstream of State Highway 33 above Linnen Mill dam just downstream of State Highway 113.	*815
			Just upstream of City of Baraboo corporate limit	*847
			Just upstream of Hatchery Road	*860
			Just upstream of the Chicago and North Western Railroad bridge which is located just upstream of the Village of Rock Springs.	*873
			Just upstream of City of Reedsburg corporate limit	*881
			Approximately 900 feet upstream of County Highway V	*888
			About 1.3 miles upstream of Village of LaVale corporate limits	*899
			Approximately 600 feet downstream of confluence of Plum Creek	*911
			Upstream county boundary	*912
		Little Baraboo River	Mouth at Baraboo River	*895
			Just upstream of State Highway 58 located about 0.64 mile upstream of mouth.	*899
			Just upstream of State Highway 58 which is located about 0.70 mile upstream of State Lane.	*915
			At county boundary	*922
		Narrows Creek	Just upstream of Village of Rock Springs corporate limits	*871
			Just upstream of State Highway 154	*878
			About 1 mile downstream of Golf Course Road	*880
			Just upstream of Dunse Road	*885
			Just downstream of Pine Bluff Road	*895
			Approximately 350 downstream of Open View Road	*901
			Approximately 1 mile downstream of State Highway 23 and 154	*907
			Just upstream of State Highway 23 and 154	*913
			Just upstream of Village of Loganville corporate limits at State Highway 154.	*918
			Approximately 0.6 mile upstream from Village of Loganville	*918
			Just upstream of State Highway 154 crossing located about 1.5 miles upstream of Loganville corporate limit.	*925
		Seeley Creek	Mouth at Baraboo River	*865
			Just upstream of Freedom Road	*868
			Just upstream of Cox Road	*871
			Just downstream of County Highway PF	*873
		Plum Creek	Mouth at Baraboo River	*911
			Just downstream of County Highway G crossing located about 1.64 miles upstream from mouth.	*920
			Just upstream of Private Road crossing located about 3.03 miles upstream from mouth.	*938
			Just upstream from Dreschmeier Road	*951
			Just upstream of County Highway Y located about ¼ mile upstream of Dreschmeier Road.	*963
			Approximately ½ mile upstream of County Highway Y crossing which is located about ½ mile upstream from Dreschmeier Road.	*976
			Approximately 0.11 mile downstream of County Highway Y crossing which is located about 1.37 miles upstream of Dreschmeier Road.	*988
			Approximately 0.06 mile upstream of County Highway Y crossing which is located about 1.37 miles upstream of Dreschmeier Road.	*997
			About 50 feet downstream of County Highway Y crossing which is located about 1.6 miles upstream of Dreschmeier Road.	*1,001
			About 75 feet upstream of the County Highway Y crossing which is located about 1.6 miles upstream of Dreschmeier Road.	*1,008
			About 0.13 mile upstream of the County Highway Y crossing which is located about 1.6 miles upstream of Dreschmeier Road.	*1,010
			Approximately 0.58 mile downstream of Krause Road	*1,024
			About 0.34 mile downstream of Krause Road	*1,041
			Just downstream of Krause Road	*1,067

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Hay Creek	City of Reedsburg corporate limits	*880
			Just upstream of Private Road crossing located about 0.83 mile upstream of County Road V.	*888
			Just upstream of Base Road	*900
			Just upstream of County Highway F	*908
		Honey Creek	Just upstream of State Highway 60	*742
			Just upstream of Church Road	*754
			Approximately 0.35 mile upstream of County Highway E	*763
			Just upstream of County Highway C	*770
			About 4.7 miles upstream of Factory Road	*785
			Just upstream of Mill Road	*799
			Just upstream of County Highway N	*803
		North Branch Honey Creek	Mouth at Honey Creek	*762
			About .63 mile downstream of Elm Road	*767
			About 0.15 mile downstream of Cross Road	*772
			About 1.6 miles upstream of Cross Road	*777
			About 1.05 miles downstream of County Highway PF	*782
			Just downstream of County Highway PF	*788
			Just upstream of County Highway C	*789
			Just upstream of LeLand Dam	*793
			Just downstream of the County Highway PF crossing which is located about 2 miles upstream of LeLand dam.	*806
		Otter Creek	Just downstream of River Road	*743
			Just upstream of River Road	*747
			Just upstream of State Highway 60	*754
			Just downstream of Otter Creek Road	*760
			Just upstream of Guiding Road	*765
			About .5 mile upstream of Guiding Road	*771
			Just upstream of County Highway PF	*775
			About 0.5 mile upstream of County Highway PF	*780
			About 1.3 miles upstream of County Highway PF	*785
			About 0.1 mile downstream of Denzer Trail	*790
			About .5 mile upstream of Denzer Trail	*795
			About .5 mile upstream of Denzer Trail	*800
			About 1.3 miles upstream of Denzer Trail	*805
			About 0.1 mile downstream of Kietel Road	*810
			About 0.2 mile upstream of Kietel Road	*815
			About 1.2 miles upstream of Kietel Road	*820
			About 0.2 mile downstream of Moely Road	*826
			Just upstream of Moely Road	*828
		East Branch Honey Creek	Confluence with Honey Creek	*755
			Just upstream of County Highway PF	*761
			About 1.5 miles upstream of County Highway PF	*766
			About 0.5 mile upstream of Wenzel Road	*770
			About 2.0 miles upstream of Wenzel Road	*775
			About 2.0 miles downstream of Denzer Road	*778
			About 0.5 mile downstream of Denzer Road	*785
			About 0.15 mile downstream of Denzer Road	*790
			Just downstream of Denzer Road	*792

Maps available at: Planning and Zoning Department, Sauk County Courthouse, Baraboo, Wisconsin.

Send Comments to: Mr. Melvin Rose, Sauk County Board Chairman, Sauk County, Sauk County Courthouse, Baraboo, Wisconsin 53613.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: October 18, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[FR Doc. 79-34202 Filed 11-6-79; 8:45 am]

BILLING CODE 6718-03-M

# Notices

Federal Register

Vol. 44, No. 217

Wednesday, November 7, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Land and Resource Management Plan; Plumas National Forest, Butte, Lassen, Plumas, Sierra and Yuba Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the Forest Plan for the Plumas National Forest.

This Forest Plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several Forest plans and the Regional Plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a Regional Plan.

This Forest Plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

- (a) Briefly describe the major public issues and management concerns,
- (b) Briefly describe the lands and resources of the Plumas National Forest;
- (c) Identify the goals and objectives of management.
- (d) Describe the expected types and amounts of goods, services, or uses—by decades,
- (e) Identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,
- (f) Identify monitoring and evaluation criteria,
- (g) Refer to information used in plan development, and
- (h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include, but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest System lands,

(b) The public costs of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest Plan will be selected from a range of alternatives which will include at least:

(a) A "no-action" alternative which represents continuation of the present management direction, and

(b) One or more alternatives formulated to respond to major public issues and management concerns.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental reviews, or are not within the scope of this Forest Plan.

To accomplish this, public meetings will be held:

Reno, Nevada, November 27, 1979, 1:30 to 4:00 p.m. and 7:30 to 9:30 p.m., Pioneer Inn, 221 South Virginia Street.  
 Susanville, California, December 11, 1979, 7:30 to 9:30 p.m., Engineering Conference Room, 1800 Main Street.

Meetings are also planned for the following locations, but specific locations, dates and times of meetings have not been determined:

Chico, California  
 Greenville, California—  
 Oroville, California  
 Quincy, California  
 Portola, California

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the draft environmental impact statement is December 1982. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately June 1983.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact: Carl E. Summerfield, Plumas National Forest, P.O. Box 1500, Quincy, California 95971 (916) 283-2050.

Dated: October 29, 1979.

John Chaffin,  
*Acting Regional Forester, Pacific Southwest Region.*

[FR Doc. 79-34302 Filed 11-6-79; 8:45 am]

BILLING CODE 3410-11-M

## CIVIL AERONAUTICS BOARD

[Docket No. 34136]

### Chicago/Texas/Southeast-Western Mexico Route Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding will be held on December 4, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on June 28, 1979, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 1, 1979.

William A. Kane, Jr.,  
*Administrative Law Judge.*

[FR Doc. 79-34417 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36419]

### Texas-Alberta Alaska Case; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in

the above-entitled proceeding is assigned to be held on December 11, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report dated November 2, 1979, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 2, 1979.

Ronnie A. Yoder,

*Administrative Law Judge.*

[FR Doc. 79-34415 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 30356]

**Transcontinental Low-Fare Route Proceeding (Air United States, Air Transport Associates, Standard Airways, and United States Overseas Airline—Remanded); Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on November 29, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and for evidence, (4) statements of position, and (5) proposed procedural dates. The Bureau of Domestic Aviation will circulate its material on or before November 15, 1979, and the other parties on or before November 22, 1979. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and, to facilitate cross-referencing, shall follow the numbering and lettering used by the Bureau.

Dated at Washington, D.C., October 31, 1979.

Henry M. Switkay,

*Administrative Law Judge.*

[FR Doc. 79-34416 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 35361; Order 79-11-23]

**Air Carrier Rules Governing Failure To Operate on Schedule or Failure To Carry; Order Granting Petitions for Reconsideration**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1979.

By Order 79-9-129, September 20, 1979, the Board ordered cancellation of Rule 380(H) in the domestic passenger rules tariff, CAB No. 142 (now Rule 240(H) in CAB No. 352), effective 45 days from the date of service of the order (November 9, 1979). Continental Air Lines, Hawaiian Airlines and United Air Lines have petitioned for reconsideration of that order. United asks the Board to withdraw its original order altogether or, in the alternative, to stay its effectiveness for at least a year; the other petitioners seek a postponement of the effective date of the order of at least 120 days. Several carriers have filed answers supporting the requests for a 120-day delay.

In Order 79-9-129, the Board stated its belief that limits of carrier liability for schedule interruptions would be suitable elements of competition among carriers, and further encouraged carriers to establish such limits through direct contractual arrangements with passengers rather than by tariff. The petitioners point out that the current system of interline ticketing, under which a single ticket may be used for travel on several different carriers, depends heavily on the existence of uniform standard conditions of carriage among the interlining carriers. Where the terms of the conditions of carriage differ, complex problems may arise concerning the method of, and allocation of responsibility for, notifying interlining passengers of the differences. Unless carriers have an opportunity to study these problems and develop procedures for handling them, petitioners say, the interlining system may be adversely affected and the transferability of tickets may be greatly reduced, to the detriment of the traveling public.

We acknowledge that implementation of our order presents some new, complex problems for carriers. Nevertheless, we continue to be concerned about situations in which carriers may unilaterally decide to eliminate service in a particular market or to withdraw all service from a community. In these cases, as our earlier orders in this proceeding have pointed out, passengers may not be guaranteed rebooking at no additional cost or even prompt notice of the cancellation of their flights, and consumer complaints

demonstrate that this problem is a continuing one. As to these situations, we believe our order should go into effect as originally scheduled, thus providing carriers with an incentive to accommodate their inconvenienced passengers, and that this will not unduly disrupt existing interline relationships. Accordingly, we will grant the requests for a 120-day delay in the effectiveness of Order 79-9-129, except with respect to cases involving suspensions or terminations of service by carriers. Additionally, we take this opportunity to remind carriers that we will continue to evaluate their efforts to notify and rebook passengers affected by these withdrawals of service in the light of section 411 of the Act.

Because of the need to act very quickly on this matter, before the November 9 effective date, we have not had an opportunity to consider fully the issues raised by United Air Lines' petition for reconsideration of the substance of our order, or the petition for discussion authority filed by the Air Transport Association of America, and we take no action on them here. We will, however, deal with these pending petitions in the very near future.

Accordingly:

1. The effective date of ordering paragraph 1 of Order 79-9-129 is extended for 120 days, except that no carrier shall apply the provisions of Rule 380(H) of CAB No. 142 or Rule 240(H) of CAB No. 352 in cases involving the suspension or termination by it of service in a market or to a point subsequent to November 9, 1979; and

2. The petitions for reconsideration of Continental Air Lines and Hawaiian Airlines are granted in part.

This order shall be served on all U.S. certificated carriers and shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,<sup>1</sup>

*Secretary.*

[FR Doc. 79-34424 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 30870; Order 79-11-13]

**Application of Aerotour Dominicano, C. por A.**

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: ORDER 79-11-13, Application of Aerotour Dominicano, C. por A., Docket 30870.

<sup>1</sup> All Members concurred.

**SUMMARY:** The Board proposes to approve the following application:

**Applicant:** Aerotour Dominicano, C. por A.  
**Application Date:** May 11, 1977, Docket: 30870.

**Authority Sought:** Foreign air carrier permit to engage in non-scheduled foreign air transportation of property.

**OBJECTIONS:** All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than November 27, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Dominican Republic. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

**ADDRESSES FOR OBJECTIONS:**

Docket 30870, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**Applicant:** Aerotour Dominicano, C. por A., c/o Ralph Curry, 2055 North 15th Street, Arlington, Virginia 22201.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

**FOR FURTHER INFORMATION, CONTACT:**

Alice Larkin, of the Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5879.

By the Civil Aeronautics Board: November 1, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34423 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

**[Docket 37019; Order 79-11-8]**

**Cascade Airways; Application for a Certificate**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 79-11-8, Cascade Airways' Application for a Certificate, Docket 37019.

**SUMMARY:** The Board is proposing to grant the application of Cascade

Airways, Inc., for a certificate of public convenience and necessity for authority between the terminal point Seattle/Tacoma, Wash., the intermediate points Olympia, Yakima, Wenatchee, Moses Lake/Ephrata, Spokane, Pullman/Moscow, Walla, Pasco/Richland/Kennewick, Wash., Portland, Ore., Lewiston, Idaho/Clarkston, Wash., and the terminal point Boise, Idaho. The grant would be contingent upon a finding in a formal proceeding that Cascade is fit, willing and able to perform properly the proposed transportation and to conform with the provisions of the Act and the applicable rules and regulations of the Board. Cascade is not a certificated carrier, and is currently flying these routes under a Part 298 exemption.

**DATES:** All persons having objections to the Board's proposed action should file, and serve upon all parties, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections:

(a) Where the objections are on grounds other than fitness, no later than December 6, 1979;

(b) Where objections are on fitness grounds, by such time as shall be designated by the Administrative Law Judge assigned to the case.

**ADDRESSES:** All objections should be filed in Docket 37019, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:**

Peter M. Bloch, B-72, Bureau of Pricing and Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5340.

**SUPPLEMENTARY INFORMATION:**

Objections should be served upon Mr. Mark Chestnutt, President, Cascade Airways, Inc., Spokane International Airport, Spokane, Washington 99219.

The complete text of Order 79-11-8 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-11-8 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 1, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34422 Filed 11-6-79; 8:45 am]

BILLING CODE 6320-01-M

**[Docket 37017; Order 79-11-6]**

**Dallas/Fort Worth-Denver/Colorado Springs/Seattle/Portland; Show-Cause Proceedings**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 79-11-6 Dallas/Fort Worth-Denver/Colorado Springs/Seattle/Portland Show-Cause Proceeding (Docket 37017).

**SUMMARY:** The Board is proposing to grant Dallas/Fort Worth-Denver/Colorado Springs/Seattle/Portland nonstop authority to National Airlines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than December 5, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**Additional Data:** All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than November 20, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 37017, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Lucille J. Mellema, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5105.

**SUPPLEMENTARY INFORMATION:**

Objections should be served upon the following persons: National Airlines and American Airlines.

\* \* \* \* \*

The complete text of Order 79-11-6 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-11-6 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: November 1, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34420 Filed 11-06-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37018; Order 79-11-7]

**Denver-Tucson Show-Cause Proceeding****AGENCY:** Civil Aeronautics Board.**ACTION:** Notice of Order 79-11-7, *Denver-Tucson Show-Cause Proceeding*, Docket 37018.

**SUMMARY:** The Board is proposing to grant Denver-Tucson nonstop authority to Continental Air Lines, Western Air Lines and USAir (formerly Allegheny Airlines) and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than December 6, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**Additional Data:** All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than November 21, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 37018, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon the following persons: In addition, copies of such filings should be served on Continental Air Lines, Western Air Lines and USAir (formerly Allegheny Airlines), the Mayors of Denver and Tucson, the Governors of Colorado and Arizona, the Manager of Tucson International Airport, the Director of Aviation of Stapleton International Airport, the Aeronautics Division of the Arizona Department of Transportation, the Department of Transportation of the Federal Aviation Administration, and the Transportation Section of the Colorado Department of Highways.

\* \* \* \* \*

The complete text of Order 79-11-7 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-11-7 to the

Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: November 1, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34421 Filed 11-06-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37016; Order 79-11-5]

**Philadelphia-Washington/Baltimore Show-Cause Proceeding****AGENCY:** Civil Aeronautics Board.**ACTION:** Notice of Order 79-11-5 (Philadelphia-Washington/Baltimore Show-Cause Proceeding, Docket 37016).

**SUMMARY:** The Board is proposing to grant Philadelphia-Washington, D.C./Baltimore (all three airports) authority to Air Florida and any other fit, willing and able applicants whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than December 5, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**Additional Data:** Further applicants are directed to file (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year no later than November 20, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 37016, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Ava Kleinman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5342.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon Air Florida, the Mayors of Philadelphia and Baltimore, the state aviation agencies of Pennsylvania and Maryland, the Federal Aviation Administration, and the airport managers of Philadelphia International Airport, Dulles International Airport, Baltimore/Washington International Airport, and Washington National Airport.

The complete text of Order 79-11-5 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a

postcard request for Order 79-11-5 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 1, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-34419 Filed 11-06-79; 8:45 am]

BILLING CODE 6320-01-M

**DEPARTMENT OF COMMERCE****Economic Development Administration****Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance**

Petitions have been accepted for filing from nineteen firms: (1) Zwicker Knitting Mills, 410 North Richmond Street, Appleton, Wisconsin 54913, a producer of gloves and mittens; socks and golf club covers; women's and children's headwear, scarves, shirts and blouses (accepted October 15, 1979); (2) Steridyne Corporation, 3670 East Industrial Way, Riviera Beach, Florida 33404, a producer of thermometer sheaths (accepted October 16, 1979); (3) Nylrem Enterprises, Inc., 8 West 2nd Street, Spencer, Iowa 51301, a producer of hair curlers (accepted October 16, 1979); (4) Cheryl Dress Corporation, 62 County Street, Fall River, Massachusetts 02723, a producer of women's dresses (accepted October 19, 1979); (5) Hebb Leather Company, Inc., 33 Water Street, Danvers, Massachusetts 01923, a processor of leather (accepted October 22, 1979); (6) Ludwig Industries, Inc., 75 Spring Street, New York, New York 10012, a producer of brass and steel stampings and specialty hardware (accepted October 22, 1979); (7) Gloria Manufacturing Company, Inc., 815 24th Street, Newport News, Virginia 23607, a producer of children's shorts, dresses, blouses and playwear (accepted October 22, 1979); (8) Bock Coal Company, Box 310, Pineville, West Virginia 24874, a producer of coal (accepted October 23, 1979); (9) Benchmark Crafters, Inc., 1101 North Fourth Street, Cannon Falls, Minnesota 55009, a producer of stuffed toys (accepted October 23, 1979); (10) Allen Knitting Mills, Inc., Box 76, Paw Creek, North Carolina 28130, a producer of knitted fabrics (accepted October 24, 1979); (11) Dan Bailey, 209 West Park Street, Livingston, Montana 59047, a producer of fishing tackle (accepted October 24, 1979); (12) Jodi Scott Dress Company, Inc. 107 West Jersey Avenue, Pitman, New Jersey 08071, a producer of

women's dresses (accepted October 25, 1979); (13) Arno Moccasin Company, 1 Saratoga Street, Lewiston, Maine 04240, a producer of men's, women's and children's footwear (accepted October 26, 1979); (14) Fairfax Manufacturing Company, Inc., Box 218, Fairfax, Missouri 64446, a producer of walnut dresser valets, jewelry boxes and smoking accessories (accepted October 29, 1979); (15) Green Leaf Fashions, Inc., 260 West 39th Street, New York, New York 10018, a producer of women's coats (accepted October 29, 1979); (16) Union Pants Company, Inc., 1476 Prospect Street, Trenton, New Jersey 08638, a producer of men's pants (accepted October 29, 1979); (17) Blue Sky Leather, 31 North Salspuedes Street, Santa Barbara, California 93103, a producer of leather handbags, belts and accessories (accepted October 29, 1979); (18) Sunweld Fitting Company, 516 South Anderson Street, Los Angeles, California 90033, a producer of welding fittings (accepted October 29, 1979) and (19) Winding Specialties Manufacturing Corporation, Box 6166, Providence, Rhode Island 02940, a producer of textile machinery (accepted October 29, 1979).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,  
Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-34391 Filed 11-6-79; 8:45 am]

BILLING CODE 3510-24-M

## Industry and Trade Administration

### Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 10(a)(2) (1976), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Wednesday, November 28, 1979, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, October 21, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has seven parts:

#### General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) The impact of computer controls on the export of automatic test equipment (ATE).
- (4) Effects of ATE on production capacity.
- (5) Definition of ATE as it relates to Electronic Instrumentation Technical Advisory Committee.
- (6) Discussion of export procedures—industry comments.

#### Executive Session

- (7) Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

With respect to agenda item (7), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978,

pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the Federal Register on December 27, 1978 (43 FR 60328).

Copies of the minutes of the open portions of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information, contact Mrs. Cornejo, either in writing or by phone at the address or number shown above.

Dated: November 1, 1979.

Kent N. Knowles,  
Director, Office of Export Administration,  
Bureau of Trade Regulation, Department of Commerce.

[FR Doc. 79-34332 Filed 11-6-79; 8:45 am]

BILLING CODE 3510-25-M

## National Oceanic and Atmospheric Administration

### Availability of Report of Status of Porpoise Stocks Workshop

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of availability of the Report of the Status of Porpoise Stocks Workshop, November 6, 1979.

SUMMARY: A workshop on the stock assessment of porpoise involved in the Eastern Pacific yellowfin tuna fishery was held in La Jolla, California, on



August 27-31, 1979. The report resulting from that workshop is now available.

**ADDRESSES:** A copy of the report may be obtained from the Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C., or from the Oceanic Fisheries Resources Division, Southwest Fisheries Center, P.O. Box 271, La Jolla, California 92038.

**FOR FURTHER INFORMATION CONTACT:** Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7461.

Dated: November 1, 1979.

Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34333 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

#### **Gulf Of Mexico Fishery Management Council's; Billfishes Subpanel; Public Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Billfishes Subpanel which will meet to review the Billfish Fishery Management Plan.

**DATES:** The meeting will convene on Tuesday, November 20, 1979, at 8 a.m., and adjourn at approximately 4 p.m. The meeting is open to the public.

**ADDRESS:** The meeting will take place at the Barclay Airport Hotel, Tampa Room, 5303 West Kennedy Boulevard, Tampa, Florida.

**FOR FURTHER INFORMATION CONTACT:** Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: October 31, 1979.

Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34293 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

#### **Transfer of Fifty Percent (50%) Stock Ownership in U.S. Vessel Wakkanai to a Foreign Company**

Notice is hereby given that on July 17, 1979, the Maritime Administration of the Department of Commerce received an application from Alvah G. Hales for approval of the sale of his fifty percent (50%) stock ownership in Eastern

Shellfish, Inc. to Eastern Products Co., Ltd. Eastern Shellfish, Inc., a state of Washington Corporation, currently owns and operates the 887 gross tons, Japanese built, U.S. documented fish processing vessel Wakkanai. The Wakkanai presently processes salmon and king crab in Chignik, Alaska.

Alvah G. Hales is a United States citizen and a resident of the State of Washington. Eastern Products Co., Ltd., is a Tokyo based Japanese Corporation. Alvah G. Hales and Eastern Products Co., Ltd. each own a fifty percent (50%) stock ownership in Eastern Shellfish, Inc. Since the contemplated sale of Hales' stock in Eastern Shellfish, Inc. to Eastern Products Co., Ltd., would subject the vessel Wakkanai to further foreign control, Maritime Administration approval is required under Section 9 of the Shipping Act, 1916, as amended (46 U.S.C. 808).

Upon Maritime Administration approval, Eastern Products Co., Ltd., the foreign purchaser, plans to operate the Wakkanai as a U.S. flag fish processing vessel in Chignik, Alaska. The vessel will process salmon and king crab harvested by U.S. flag fishing vessels. If profitable, the Wakkanai will also process bottomfish sometime in the future. A large percentage of the Wakkanai's finished products are sold to Japanese and European customers, and the balance is sold in the United States. The Wakkanai's Coast Guard document prohibits it from engaging in either the coastwise trade or the fisheries trade. The Coast Guard also requires that all its ship's officers and at least seventy-five percent (75%) of its crew must be U.S. citizens. Eastern Products Co., Ltd., fully owns a second subsidiary, Northland Products, Inc. (a Massachusetts corporation), which owns and operates the 1,098 gross tons, Japanese built, U.S. documented fish processing vessel Northland. The Northland presently processes salmon and king crab out of Bristol Bay and Kodiak, Alaska.

The Maritime Administration is the Federal Agency responsible for the approval or disapproval of applications submitted pursuant to Section 9 of the Shipping Act of 1916. The Maritime Administration, however, customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fish processing vessel and has sought the views of the Service with regard to this application. Before responding, the Service is soliciting the written comments of interested persons about this application. Such comments should be addressed to the Assistant

Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than December 7, 1979. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: October 30, 1979.

Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34305 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

#### **Western Pacific Fishery Management Council's Spiny Lobster Subpanel and Pelagic Fishery Resources Subpanel; Public Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265) has established a Spiny Lobster Subpanel and a Pelagic Fishery Resources Subpanel which will meet to discuss progress on fishery management plans in the Council's area of concern.

**DATES:** The Spiny Lobster Subpanel meeting will convene on Monday, November 19, 1979 at 9 a.m., and adjourn at 4:30 p.m. The Pelagic Fishery Resources Subpanel will meet on Tuesday, November 20, 1979 at 9 a.m., and adjourn at 4:30 p.m. The meetings are open to the public.

**ADDRESS:** The meetings will take place at the Southwest Fisheries Center, Honolulu Laboratory, 2570 Dole Street, Honolulu, Hawaii.

**FOR FURTHER INFORMATION CONTACT:** Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: November 1, 1979.

Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34291 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

#### **Western Pacific Fishery Management Council and Its Scientific and Statistical Committee; Public meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Western Pacific Fishery Management Council, established by Section 302 of the the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific

and Statistical Committee (SSC) will conduct a series of meetings.

**COUNCIL:** Twenty-first meeting: consider drafts of the Spiny Lobster and Billfish Fishery Management Plans (FMP's); review Bottomfish and Seamount Groundfish projects; revise Advisory Panel membership and conduct other business.

**SSC:** review FMP's for the Spiny Lobster and Billfish Fisheries; discuss research needs for FMP's; review data for species for future FMP's; discuss optimum yield concepts; and conduct other business.

**DATES:** Council meetings will convene on Thursday, November 29, and Friday, November 30, 1979, at 9 a.m. and will adjourn at 5 p.m., both days. SSC meetings will convene on Tuesday, November 27, and Wednesday, November 28, 1979, at 9 a.m. and will adjourn at 5 p.m., both days. The meetings are open to the public.

**ADDRESS:** The meetings will take place at the Maui Lu Hotel, Kihei, Maui, Hawaii.

**FOR FURTHER INFORMATION CONTACT:** Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: November 1, 1979  
Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34292 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

### Mid-Atlantic Fishery Management Council's Surf Clam Committee and Surf Clam Ocean Quahog Resources Subpanel; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Surf Clam committee and a Surf Clam Ocean Quahog Resources Subpanel, which will meet to discuss conditions to lifting the moratorium on the surf clam fishery.

**DATES:** The meeting will convene on Friday, November 23, 1979, at 1 p.m., and will adjourn at approximately 5 p.m. The meeting is open to the public.

**ADDRESS:** The meeting will take place at the Federal Building, Room 2106, North and New Streets, Dover, Delaware.

**FOR FURTHER INFORMATION CONTACT:** Mid-Atlantic Fishery Management Council, North and New Streets, Room

2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: November 2, 1979.  
Winfred H. Meibohm,  
*Executive Director, National Marine Fisheries Service.*

[FR Doc. 79-34452 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjusting Import Levels for Certain Cotton and Man-Made Fiber Textile Products From Singapore

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** (1) Increasing the previously controlled minimum consultation levels for cotton printcloth in Category 315 and man-made fiber woven blouses in Category 641; and (2) Increasing the minimum consultation levels for other woven fabrics of man-made fibers, wholly of non-continuous fibers, in Category 613 and cotton gloves and mittens in Category 331 and controlling imports at those levels from Singapore for the agreement year that began on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 88280), June 22, 1978 (43 FR 28773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 941), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

**SUMMARY:** Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, between the Governments of the United States and the Republic of Singapore, the United States has agreed to increase the minimum consultation levels for cotton textile products in Categories 315 and 331 and man-made fiber textile products in Categories 613 and 641 during the agreement year that began on January 1, 1979 and will also control the increased levels for Categories 331 and 613 during that period, in the same manner as Categories 315 and 641 are currently controlled.

**EFFECTIVE DATE:** November 7, 1979.

**FOR FURTHER INFORMATION:** Ross Arnold, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

**SUPPLEMENTARY INFORMATION:** On January 3, 1979, there was published in the Federal Register (44 FR 932) a letter

dated December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In accordance with the terms of the bilateral agreement, and at the request of the Government of the Republic of Singapore, the United States Government has agreed to increase the levels of restraint applicable to Categories 315, 331, 613 and 641 for the current agreement year and will also control imports in Categories 331 and 613 during that period. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that imports for consumption or withdrawals from warehouse for consumption in Categories 315, 331, 613 and 641 be limited to the designated levels of restraint during the twelve-month period which began on January 1, 1979. The increased levels of restraint established for Categories 331 and 613 have not been adjusted to account for any imports after December 31, 1978. These imports will be charged. In addition, the following overshipments from 1978 are also being charged to the levels for Categories 315, 613 and 641:

Category	Amount of overshipment
315.....	3,703,638 square yards.
613.....	2,136,356 square yards.
641.....	873 dozen.

Paul T. O'Day,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
November 1, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury,  
Washington, D. C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 28, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to

the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978; between the Governments of the United States and the Republic of Singapore, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 5, 1977, you are directed to prohibit, effective on November 7, 1979, and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 315, 331, 613, and 641, produced or manufactured in Singapore, in excess of the following levels of restraint:

Category	Adjusted twelve-month level of restraint <sup>1</sup>
315	596,362 square yards.
331	221,429 dozen pairs.
613	2,863,644 square yards.
641	76,403 dozen.

<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after December 31, 1978. Imports in Categories 331 and 613 during the January-August 1979 period have amounted to 147,282 dozen pairs and 2,037,156 square yards, respectively.

Textile products in Categories 331 and 613 which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Textile products in Categories 331 and 613 which have been released from the custody of the U. S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 25, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,  
Paul T. O'Day,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
[FR Doc. 79-34438 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-25-M

### Charging Overshipments in Certain Categories of Cotton and Man-Made Fiber Textile Products From Thailand

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Charging overshipments from 1978 to the ceilings established for miscellaneous cotton fabrics in Category 320, women's, girls' and infants' knit shirts and blouses of man-made fibers in Category 639, and woven blouses of man-made fibers in Category 641 during the agreement year that began on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (43 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

SUMMARY: Paragraph 9 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides for the charging of a prior year's overshipments to the extent such were permitted entry into the United States for consumption or withdrawal from warehouse for consumption. It has been determined that imports in Category 320 have exceeded the agreed ceiling for 1978 by 2,579,135 square yards; in Category 639, by 5,403 dozen; and in Category 641, by 3,183 dozen. Accordingly, these amounts are being deducted from the ceilings established for the categories during the current agreement year which began on January 1, 1979 and extends through December 31, 1979.

EFFECTIVE DATE: November 2, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 3, 1979, there was published in the Federal Register (44 FR 932) a letter dated December 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and

man-made fiber textile products, produced or manufactured in Thailand, which may be entered into the United States for consumption of withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. Under the terms of the bilateral agreement, as amended, the United States is charging 1978 overshipments to the ceilings established for Categories 320, 639 and 641 during the twelve-month period which began on January 1, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption, of textile products in Categories 320, 639 and 641 in excess of the adjusted twelve-month levels of restraint.

Paul T. O'Day,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
November 1, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs  
Department of the Treasury  
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directives issued to you on December 27, 1978 and June 28, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 2, 1979, and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 320, 639 and 641 in excess of the following, amended levels of restraint:

Category	Amended twelve-month level of restraint <sup>1</sup>
320	7,920,865 square yards.
639	1,042,436 dozen.
641	129,645 dozen.

<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after December 31, 1978.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,  
Paul T. O'Day,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 79-34439 Filed 11-6-79; 8:45 am]  
BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF Scientific Advisory Board; Meetings

October 26, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee on Automatic Test Equipment will meet on December 4, 1979 and January 15-16, 1980 at the Pentagon, Washington, D.C. The meetings will convene at 9:00 a.m. and adjourn at 5:00 p.m. each day.

The Committee will review and study the status of automatic test equipment in Air Force electronic equipment and related components. The meetings will be closed to the public in accordance with section 552b(c), Title 5, United States Code, specifically subparagraph (4).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Carol M. Rose,  
*Air Force Federal Register Liaison Officer.*

[FR Doc. 79-34301 Filed 11-6-79; 8:45 am]  
BILLING CODE 3910-01-M

### Department of the Army

#### Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the Committee: Army Science Board.  
Dates of Meeting: November 29-30, 1979.  
Place: The Pentagon, Washington, D.C. (exact location can be determined by contacting LTC Sweeney at 202 697-9703).  
Time 0900 to 1700 hours, November 29, 1979 (Open); 0800 to 1030 hours, November 30, 1979 (Open).

Proposed Agenda: The ASB Human Issues Study Group will hold discussions and

receive briefings to review current action to improve the integration of manpower and personnel planning and advise the Army on ways and means of improving the quality of human issues research and coupling it to high level Army policy-making.

Specifically, Group III will investigate the types of personnel maps or models which could best support the planning and execution of an integrated human research agenda in the Army. The Group will also identify which agencies could benefit most from using these maps or models.

28 November 1979

0900—Organizational Meeting.  
0915—Overview, Human Issues Committee.  
0930—Plan for conducting group.  
1000—Manpower and Personnel Modeling.  
1100—Hierarchy of Army Models.  
1300—APSC & PPRC.  
1400—Manpower Modeling Requirements.  
1445—Military Strength Program Division.  
1600—ARI on manpower and personnel modeling.

29 November 1979

0800—Organizational Meeting.  
0815—OSD Manpower and Personnel Modeling.  
0915—Executive Session.  
Robert F. Sweeney,  
*Lieutenant Colonel, GS, Executive Secretary, Army Science Board.*  
[FR Doc. 79-34425 Filed 11-6-79; 8:45 am]  
BILLING CODE 3710-08-M

#### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the Committee: Army Science Board.  
Dates of Meeting: November 27-28, 1979.  
Place: The Pentagon, Washington, DC (exact location can be determined by contacting LTC Sweeney at 202 697-9703).  
Time: 0800 to 1700 hours, November 27-28, 1979: (Closed).

Proposed Agenda: The ASB Anti-Tactical Ballistic Missile (ATBM) Ad Hoc Sub Group will hold classified discussions and receive briefings on the following issues: (a) Soviet tactical ballistic missile threat facing the field army, (b) Expectations over the next 5-10 years, (c) Various options, over the next 10-15 years, which could counter that threat, (d) Assessment of each option. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Robert F. Sweeney,  
*Lieutenant Colonel, GS, Executive Secretary, Army Science Board.*

[FR Doc. 79-34426 Filed 11-6-79; 8:45 am]  
BILLING CODE 3710-08-M

#### Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board.  
Dates of Meeting: November 27-29, 1979.  
Place: The Pentagon, Washington, DC; ARI, Alexandria, VA; HEL, Aberdeen, MD (exact locations can be determined by contacting LTC Sweeney at 202 697-9703).  
Time: 0900 to 1700 hours, November 27, 1979 (Open); 0800 to 1600 hours, November 28, 1979 (Open); 0800 to 1400 hours, November 29, 1979 (Open).

Proposed Agenda: The ASB Human Issues Study Group will hold discussions and receive briefings to review current action to improve the integration of manpower and personnel planning and advise the Army on ways and means of improving the quality of human issues research and coupling it to high level Army policy-making. Specifically, Group II will investigate the quality, breadth and responsiveness of Army human issues research.

27 November 1979

0900—Organizational Meeting.  
0915—Overview, Human Issues Committee.  
0930—Plan for Conducting AHSG.  
1015—Human Issues Research Requirements.  
1100—Human Issues Research Requirements.  
1145—Lunch.  
1245—Overview of APSC & PPAC.  
1345—DoD Human Issues Research.  
1445—Overview Army Research, DCSRD&A.  
1545—Army Studies Analysis Capability—Human Issues.  
1630—Organizational Meeting.

28 November 1979

0800—Organizational Meeting.  
0815—DCSPER Human Issues R&D Management.  
0900—DARCOM Human Engineering R&D Management.  
0930—Overview of ARI.  
1100—Tour of ARI Facilities.  
1130—Lunch.  
1230—Discussions with ARI Research Leaders.  
1500—Organizational Meeting.

29 November 1979

0800—Organizational Meeting.  
0815—Overview HEL.  
0930—Tour of Facilities.  
1000—Meetings with Research Leaders.  
1200—Lunch.  
1300—Executive Session.

Robert F. Sweeney,  
*Lieutenant Colonel, GS, Executive Secretary, Army Science Board.*

[FR Doc. 79-34427 Filed 11-6-79; 8:45 am]  
BILLING CODE 3710-08-M

## Corps of Engineers, Department of the Army

### Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for Proposed Tanana River Levee Completion as Part of the Fairbanks Flood Control Project Near Fairbanks, Alaska

AGENCY: U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS).

**SUMMARY:** 1. Completion of the Tanana River Levee and construction of 16 protective groins are proposed to provide flood protection for the Fairbanks International Airport and western Fairbanks. The levee completion near the airport would require placement of approximately 348,000 cubic yards of rock and gravel and would extend approximately 10,000 feet. The structure would cross a major channel of the Tanana River twice, would require a temporary diversion structure, excavation of a pilot channel, and placement of three of the 16 protective groins. The remainder of the protective groins placed at intervals along the entire length of the levee would vary in length from 2,000 feet to 6,000 feet, requiring a total of approximately 750,000 cubic yards of rock and gravel. Crown widths would vary from 12 feet to 80 feet. Minor river diversions would be necessary for many of the groins. Most groins would extend into the river and across some active river braids.

2. A variety of levee alignments have been considered including those which would require crossing the river channels and those which would not require working in the water. An alternative design for levee protection would require 15 shorter groins and 2 slough blockages. Crown widths would be similar to the proposed plan; however, the lengths of the groins would be less, varying from 1,000 ft. to 5,000 ft. Most of these dikes would not cross active channels of the Tanana River. Another alternative would be to design and construct the protective groins as they are needed.

3. A scoping meeting is expected to be held in Fairbanks, Alaska in the month of November 1979. Federal, State and local agencies as well as interested private organizations and parties will be invited to participate. The exact date, time and location have not been determined.

Significant issues to be analyzed in depth in the DSEIS are the impacts on

the Tanana River fishery, to navigation, to vegetation and terrestrial habitat on both the north and south banks and to ground water in the Fairbanks area.

4. Interested persons, agencies and organizations desiring to submit comments or suggestions for consideration in connection with the preparation of the DSEIS are invited to do so. Upon completion of the DSEIS, estimated to be March 1980, it will be available for public comment and review.

**ADDRESS:** Questions about the proposed action and DSEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: October 25, 1979.

Lee R. Nunn,  
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-34303 Filed 11-5-79; 8:45 am]  
BILLING CODE 3710-ML-M

## Office of the Secretary

### DoD-HEW Title VI Memorandum of Understanding

Notice is hereby given that certain delegations of compliance responsibilities, under Title VI of the 1964 Civil Rights Act, have been agreed to by the Department of Defense and the Department of Health, Education and Welfare. These delegations are contained in the Memorandum of Understanding (MOU) set forth below. This MOU became effective on September 20, 1979.

Department of Defense-Department of Health, Education, and Welfare  
Memorandum of Understanding

This Memorandum of Understanding between the Department of Defense (DoD) and the Department of Health, Education and Welfare (HEW) is being implemented to further the objectives of Executive Order 11764, dated January 21, 1974, "Non-discrimination in Federally Assisted Programs". These objectives are to develop and implement agreements, policies and practices designed to maximize effort, promote efficiency and eliminate conflict, duplication and inconsistency among the operations, functions and jurisdictions of the parties to this Memorandum, concerning the enforcement of Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-2000d-4). The parties to this Memorandum agree as follows:

1. Pursuant to the authority in 32 Code of Federal Regulations (CFR) 300.5(c)(1978) and 28 CFR 42.413(a)(1978), DoD hereby assigns and HEW accepts the responsibilities set forth below with respect to certain medical facilities receiving funds from the Civilian Health and Medical program of the Uniformed Services (CHAMPUS):

a. Compliance reports, including the mailing, receiving, and evaluation thereof under 32 CFR 300.7(b)(1978);

b. Other actions under 32 CFR 300.7(1978);

c. All actions under 32 CFR 300.8(1978), including periodic compliance reviews, receipt of complaints, investigations, determination of recipients apparent failure to comply, and resolution of matters by informal means.

2. The Department of Defense expressly reserves to itself all compliance responsibility for medical treatment facilities receiving CHAMPUS funds and not monitored for compliance with Title IV by HEW. Among the types of medical treatment facilities not monitored for Title VI compliance by HEW are certain residential treatment centers, specialized treatment facilities, and those facilities approved for CHAMPUS funding under the program for the handicapped established pursuant to 10 U.S.C. 1079(d).

3. The Department of Defense also reserves to itself the methods to achieve compliance under 32 CFR 300.9, 300.10, and 300.11(1978) for all medical facilities receiving CHAMPUS funds as well as the right to exercise the responsibilities delegated by this Memorandum in special cases after consulting with the appropriate HEW official.

4. DoD and HEW shall adopt adequate written procedures to assure that the same standards of compliance with Title VI are used at the operational levels by each of the agencies in accordance with 28 CFR 42.413(b)(1978).

This Memorandum of Understanding shall become effective when signed by both parties.

Dated: June 8, 1979.

Robert B. Pirie,  
Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Department of Defense.

Dated: September 20, 1979.

Patricia Roberts Harris,  
Secretary, Department of Health, Education and Welfare.

November 1, 1979.

H. E. Lofdahl,  
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-34306 Filed 11-5-79; 8:45 am]  
BILLING CODE 3810-70-M

## Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

The Department of Defense hereby gives notice that the effective date of the Age Discrimination Act's prohibition of age discrimination is July 1, 1979, the date the Act's general implementing regulations became effective (44 FR 33768, June 12, 1979, to be codified at 45 CFR Part 90). The Department of Defense will then issue a proposed rulemaking document that will prescribe

DoD implementation of the Act. The general regulations establish standards for determining what is age discrimination and procedures for enforcing the Act. Recipients and beneficiaries under all programs receiving Federal financial assistance from the Department of Defense are therefore on notice that complaints alleging acts of age discrimination occurring on or after July 1, 1979, may be filed from July 1, 1979, forward. Any person, individually or as a member of a class or on behalf of others, may file a complaint with the Department of Defense alleging discrimination prohibited by the Act. Address complaints concerning recipients and beneficiaries of Federal financial assistance from the Department of Defense to: The Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E318, The Pentagon, Washington, D.C. 20301.

The Department of Defense staff will screen all complaints and refer those considered sufficient under the Act and general regulations to the Federal Mediation and Conciliation Service (FMCS), Washington, D.C., for mediation. The FMCS will begin mediating complaints on November 1, 1979.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within the Department of Defense, the 180 day period will run from the date the complaint is filed. In cases where the Department of Defense has taken no action on a complaint, and 180 days have passed, the complainant retains the option either to file a civil action, or to pursue the complaint through DoD's administrative process.

H. E. Lofdahl,

*Director, Correspondence and Directives,  
Washington Headquarters Services,  
Department of Defense.*

November 1, 1979.

[FR Doc. 79-34437 Filed 11-6-79; 8:45 am]

BILLING CODE 3810-70-M.

## DEPARTMENT OF ENERGY

### Conduct of Employees; Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Section 602(c) of the Department of Energy Organization Act (Public Law 95-91, the "Act") authorizes the Secretary of Energy to grant waivers

from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(b) of the Act), where exceptional hardship would result.

It has been established to my satisfaction that a short-term waiver of the requirements of section 602(a) of the Act for the individual "Supervisory employee" of the Department of Energy whose name is listed below is justified and I so find. This waiver shall expire on December 31, 1979.

#### *Name, Energy Concern*

John A. Hewitt, Virginia Power and Electric Company NVP Company.

Mr. Hewitt's official duties as Chief Financial Officer will require little if any involvement on his part in particular matters that could have a direct and predictable impact on any of the listed energy concerns. Nevertheless, he is directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on any of the listed energy concerns, unless the General Counsel and I agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: October 31, 1979.

Charles W. Duncan, Jr.,  
*Secretary of Energy.*

[FR Doc. 79-34429 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

### Notice of Proposed Consent Order With Cities Service Company

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Proposed Consent Order and Opportunity for Public Comment.

**SUMMARY:** The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR § 205.199J that it entered into a consent order with Cities Service Company on October 31, 1979. The consent resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, with two exceptions noted below, for the period August 1973 through September 1979. To remedy any overcharges that may have occurred during the period, Cities Service agrees to \$220 million in remedies. In a related action, Cities Service announced its intention to increase its expenditures for domestic exploration and production by \$150 million in 1980 and 1981.

As required by the regulation cited above, OSC will receive comments on the consent order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the consent order final. Although the consent order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the consent order and attempt to obtain a modification of the consent order or issue the consent order as proposed.

**COMMENTS:** Comments must be received by 5:00 p.m. December 10, 1979 to be considered. Address comments to: Cities Service Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

**FOR FURTHER INFORMATION CONTACT:** Leslie Wm. Adams, Associate Solicitor to the Special Counsel, for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, 202-633-8288.

Copies of the consent order may be received free of charge by written request to: Cities Service Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W. Room GB-145.

**SUPPLEMENTARY INFORMATION:** Cities Service Company is one of the 34 major refiners presently subject to audit by the Special Counsel to determine compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). Cities Service engages in production, refining and marketing of crude oil and refined petroleum products. The audit included a review of Cities Service's records relating to compliance with the Regulations during the period August 19, 1973 through September 30, 1979 (the audit period). During the audit, questions and issues were raised and enforcement documents were issued. This consent order resolves not previously resolved, with the exceptions noted below, concerning the allocation and sale of covered products during the audit period, whether or not raised in a previous enforcement action.

#### Conclusion of OSC Audit

The consent order addresses all aspects of Cities Service's compliance with applicable price and allocation regulations pertaining to the production,



refining and marketing of crude oil; motor gasoline, residual fuel oil, No. 2 heating oil, No. 2 diesel fuel, natural gas liquids (NGL), natural gas liquid products (NGLP) and other refined petroleum products. OSC's audit examined all areas of compliance including but not limited to: the sales and certifications of crude oil, including property determinations; the calculation of monthly increased costs of product, including NGL's and NGLP's; nonproduct costs increases; the determination of, and prices charged to, different classes of purchaser; and the crude oil transfer pricing, entitlements and mandatory oil imports regulations. Two matters have been excepted from the settlement: an allocation matter involving a dispute raised by a single customer, and a question currently in litigation concerning the DOE position, found in Ruling 1974-29, that an injection well is not a producing well. However, procedures for eventual resolution of this matter, concerning the determination of stripper properties, have been agreed upon. OSC and Cities Service have agreed to resolve all other matters, whether or not in litigation or an enforcement proceeding. Cities Service and OSC have agreed to dismiss, or withdraw from all matters in litigation; dismissal of these actions requires Department of Justice concurrence.

Neither OSC nor Cities Service have retreated from the positions taken previously on the issues addressed by this consent order and each believes that its position on these issues is meritorious. Notwithstanding DOE's position to the contrary, Cities Service maintains that it has calculated its costs and determined its maximum allowable prices in accordance with applicable statutes and regulations. The parties desire to resolve the issues raised without resort to complex, lengthy and expensive compliance actions. OSC believes that the terms and conditions of this consent order provide a satisfactory resolution of disputed issues and conclusion of the audit of Cities Service and thus, that the consent order is in the best interests of the United States.

#### Terms and Conditions of the Consent Order

OCS determined that the issues raised in the audit of Cities Service could be appropriately resolved by an aggregate adjustment of \$220 million. That amount includes \$42.6 million in adjustments previously made by Cities Service through refunds, price reductions and reductions in Cities Service's bank of unrecouped costs. The balance, \$177.4

million, is to be composed of the following:

1. Cities Service will implement a price reduction of not less than \$0.3 per gallon in its wholesale prices of No. 2 heating oil and No. 2 diesel fuel during the 1979-1980 winter heating season in order to accomplish an aggregate refund of \$20 million. OSC has the endorsement of the National Oil Jobbers Council for this refund remedy; the NOJC is expected to call on its members who are distributors of Cities Service No. 2 oils to pass the benefit of this reduction to consumers. The wholesale price reduction is expected to begin within ten days of the signing of the consent order in order to pass on the benefits to consumers as soon as possible.

2. Cities Service has agreed to a refund to or on behalf of purchasers in the amount of \$10 million. The \$10 million will be placed in a fund by Cities Service within 10 days of the effective date of the consent order and will earn interest at the same rate as ninety day Treasury bills. The fund will be used to satisfy judgments against Cities Service and to pay settlements negotiated by Cities Service that have been approved by OSC arising out of alleged violations of the Regulations during the audit period. Eighteen months after the consent order has been made final, the balance of the fund, with interest, will be distributed by a price reduction, by payment to the Treasury or in some other manner to be determined at that time.

3. The balance, \$147.4 million, will be removed from Cities Service's bank of unrecouped increased product costs, \$15 million from unrecouped increased costs of propane, and \$132.4 million from unrecouped increased costs of gasoline, provided that any balance remaining after reducing the amount of unrecouped gasoline costs banked by Cities Service will be applied against increased cost attributable to other general refinery products. Additionally, Cities agreed to exclude from its unrecouped costs of general refinery products, that is all refined products other than gasoline and No. 2 oils, those costs required by regulation to be allocated to exempt products. "Unrecouped increased costs" are amounts which Cities Service could have used to support higher gasoline and propane prices. Cities Service was entitled to bank those costs not passed through in higher prices to pass them through in future prices. Reduction of the propane and gasoline banks will deny Cities Service the opportunity to pass through those amounts in future price increases.

The consent order also provides details concerning the conclusion of the

audit and procedures concerning enforcement of the provisions of the consent order. Upon becoming final after consideration of public comments, the order will be a final order of DOE to which Cities Service has waived its right to an administrative or judicial appeal. The consent order does not constitute an admission by Cities Service or a finding by OSC of a violation of any price and allocation statutes or regulations.

In a matter related to the consent order, Cities Service announced its intention to increase its budget for domestic exploration and production of crude oil. Cities Service indicated that it would add at least \$150 million to its planned expenditures for 1980 and 1981 in order to increase domestic energy supplies.

#### Submission of Written Comments

Interested persons are invited to submit written comments concerning this consent order to the address noted above. All comments received by 5:00 p.m. on December 10, 1979 will be considered by OSC before determining whether to adopt the consent order as a final order. Modifications of the consent order which, in the opinion of OSC, significantly change the terms or impact of the consent order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., November 1, 1979.

Paul L. Bloom,  
*Special Counsel for Compliance.*

[FR Doc. 79-34313 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

#### Economic Regulatory Administration

##### Aluminum Company of America; Notice of Certification of Eligible Use of Natural Gas To Displace Fuel Oil

[ERA Docket No. 79-CERT-104]

Aluminum Company of America (Alcoa), P.O. Box 10, Newburgh, Indiana 47630, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Warrick Operations facility, with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595 on October 9, 1979. Notice of that application was published in the Federal Register (44 FR 63556, October 31, 1979) and an opportunity for public comment will be provided for a period of ten (10) calendar days from the date of publication. In a letter dated October 26,

1979, the applicant requests a certification in advance of completion of the public notice served.

The ERA has carefully reviewed Alcoa's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Alcoa's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

This certification is being issued prior to the expiration of the 10 day public comment period to maximize the amount of surplus gas that can be purchased. Alcoa's contract commences November 1 and Alcoa states it will utilize No. 2 fuel oil if natural gas is available. Also, the contract does not provide for an extension of the contract so that the volumes can be made up at a later date. The immediate displacement of this fuel oil will have a beneficial impact on DOE's oil displacement program. Public comments will still be accepted by ERA for the remainder of the original 10-day comment period in view of the ability of the Administrator to terminate a certification for good cause (10 CFR No. 595.08).

Issued in Washington, D.C. on October 31, 1979.

Doris J. Dewton,  
*Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.*

Mr. Kenneth F. Plumb,  
*Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.*

Re: ERA Certification of Eligible Use ERA Docket No. 79-CERT-104 Aluminum Company of America

Dear Mr. Plumb:

Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economy Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-104.

Sincerely,

Doris J. Dewton,  
*Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.*

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Oil Displacement by the Aluminum Company of America (ALCOA)

#### [ERA Docket No. 79-CERT-104]

##### *Application for Certification*

Pursuant to 10 CFR Part 595, Alcoa, Warrick Operations, P.O. Box 10, Newburgh, Indiana 47630 filed an application for certification of an eligible use of 11,595 Mcf of natural gas per day at its Warrick Operations facility, with the Administrator of the Economic Regulatory Administration (ERA) on October 9, 1979. The application states that the eligible seller of the gas is Esperenza Transmission Company, (Esperenza), P.O. Box 1050, Corpus Christi, Texas 78403, and that the gas will be transported by the Texas Gas Transmission Corporation, and the Trunkline Gas Company, and the Transcontinental Gas Pipeline Corporation.

##### *Certification*

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of approximately 11,595 Mcf of natural gas per day at Alcoa's Warrick Operations, purchased from Esperenza is an eligible use of gas within the meaning of 10 CFR Part 595.

##### *Effective Date*

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C. on October 31, 1979.

Doris J. Dewton,  
*Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.*

[FR Doc. 79-34314 Filed 11-8-79; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. RA79-33]

### Robert E. Brain and Cooper & Brain, Inc., Filing of Petition for Review

October 25, 1979.

Take notice that on October 16, 1979, Robert E. Brain and Cooper and Brain, Inc., filed a petition for Review under 42 U.S.C. 7194(b) (1978 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should, on or before November 12, 1979, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 79-34361 Filed 11-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-37]

### Central Illinois Public Service Co.; Filing of Wholesale Electric Service Agreement

October 25, 1979.

The filing company submits the following:

Take notice that on October 15, 1979, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Service Agreement with the City of Marshall. The Agreement is proposed to become effective October 27, 1979, and supersedes the previous agreement with the City of Marshall dated May 12, 1969.

Rate Schedule W-2, under which the City of Marshall will be billed, was previously filed with the Commission



and approved in Docket No. ER78-80, to become effective on January 2, 1978, subject to refund.

It is respectfully requested that the Commission accept this Agreement for filing effective October 27, 1979, by waiving the 60-day filing period pursuant to § 35.3 of the Commission's Rules of Practice and Procedure.

A copy of the filing was sent to the City of Marshall. The new agreement will be filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before November 13, 1979. Protestants will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34362 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. RP72-134]

#### Eastern Shore Natural Gas Co.; Tariff Filing

October 25, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing the following corrected tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff.

To be Effective September 1, 1979

Corrected Substitute Eleventh Revised Sheet No. 5  
Corrected Substitute Eleventh Revised Sheet No. 10  
Corrected Substitute Eleventh Revised Sheet No. 11  
Corrected Substitute Eleventh Revised Sheet No. 12

These tariff sheets are being filed to correct certain clerical errors only and do not constitute a rate increase, according to the Company.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Nov. 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34363 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket Nos. RP72-155, RP79-12 (PGA79-2) (AP79-2) and RP79-37]

#### El Paso Natural Gas Co.; Revised Purchased Gas Cost Adjustment Filing

October 25, 1979.

Take notice that on October 15, 1979, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, the following revised tariff sheets to become effective October 1, 1979:

Original Volume No. 1

Twenty-sixth Revised Sheet No. 3-B

Third Revised Volume No. 2

Seventeenth Revised Sheet No. 1-D

Original Volume No. 2A

Eighteenth Revised Sheet No. 1-C

El Paso states that the Commission's order issued September 28, 1979, in the captioned proceeding, *inter alia*, conditionally accepted effective October 1, 1979, subject to refund, certain revised tariff sheets to El Paso's FERC Gas Tariff which were tendered as a part of El Paso's August 31, 1979, notice of change in rates for jurisdictional gas Service.<sup>1</sup> El Paso states that said August 31, 1979, PGAC filing reflected changes in rates based upon (i) the currently effective PGAC and PGAC-CHPG provisions contained in El Paso's FERC

<sup>1</sup> Such service is rendered under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions applicable to El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC-Clean High Pressure Gas Provision ("PGAC-CHPG") contained in El Paso's FERC Gas Tariff, Original Volume No. 2A.

Gas Tariff, and (ii) the adjustment mechanisms designed to track variations in El Paso's costs attributable to advance payments, transportation costs, gas well royalty and production tax costs, as provided for in El Paso's Stipulation and Agreement, dated May 31, 1979, approved and accepted by the Commission's letter order dated July 20, 1979, at Docket No. RP79-12. The proposed net overall PGAC rate increases of 3.76¢ per Mcf applicable to El Paso's east-of-California customers and 11.95¢ per Mcf applicable to El Paso's California customers resulted from the above described adjustment.

El Paso further states that the rates contained on the revised tariff sheets tendered on August 31, 1979, reflected the uniform increase in the settlement rates approved at Docket No. RP79-12 of 0.04¢ per Mcf attributable to the Louisiana First-Use Tax ("LFUT") Tracking Provision contained in El Paso's FERC Gas Tariff, Original Volume No. 1. El Paso's LFUT rate increase filing was tendered on August 29, 1979, at Docket No. RP79-37. Inasmuch as the revised tariff sheets tendered as a part of said August 29, 1979, LFUT filing were superseded by their counterpart sheets tendered in the August 31, 1979, PGAC filing, and therefore, reflected the same LFUT adjustment as was contained in the PGAC filing, the Commission, in its September 28, 1979, order accepting the PGAC filing, rendered the August 29, 1979, LFUT filing moot and of no effect.

El Paso states that the Commission's acceptance of such revised sheets was conditioned upon El Paso filing revised tariff sheets reflecting the elimination of costs from producer-suppliers which those suppliers are not authorized to charge El Paso on or before October 1, 1979, pursuant to applicable Commission orders, the Natural Gas Policy Act of 1978, the Natural Gas act and the Regulations thereunder.

In accordance with the directives set forth in the Commission's September 28, 1979, order, El Paso has recalculated its October 1, 1979, PGAC rates in the instant filing, so as to eliminate those gas costs which El Paso's producer-suppliers were not authorized to charge El Paso as of October 1, 1979. El Paso states, however, that inasmuch as such recalculation results in an adjustment that amounts to a reduction in El Paso's October 1, 1979, conditionally accepted rates of only 0.01¢ per Mcf, El Paso believes that from a standpoint of administrative convenience to and cost effect on El Paso's customers such a minimal change in the initially filed October 1, 1979, PGAC rates is not

desirable and El Paso's customers will not incur a measurable monetary loss as a result of El Paso not reducing its rates by 0.01¢ per Mcf.

Accordingly, El Paso requested that the increased rates reflected in its August 31, 1979, PGAC filing, and conditionally accepted for filing and made effective as of October 1, 1979, by the Commission's order issued September 28, 1979, in this proceeding, continue in effect and that no adjustment be made thereto as a result of the instant filing.

El Paso states that although it does not, for the reasons stated, propose to revise its rates, it is tendering the redesignated tariff sheets identified above containing such rates, without change, inasmuch as the Commission's rejection of the revised tariff sheets tendered in El Paso's August 29, 1979, LFUT filing, requires El Paso to revise certain tariff sheets to reflect the appropriate pagination and superseding tariff sheet designations. However, in the event that El Paso's proposal is not acceptable to the Commission, El Paso tendered "Alternative Tariff Sheets" <sup>2</sup> which reflect the revision in rates resulting from the decrease in the gas purchase cost adjustment of 0.01¢ per Mcf.

El Paso further states that the net increase in PGAC-CHPG rates of 12.3339¢ per Mcf proposed and accepted as a part of El Paso's August 31, 1979, PGAC filing remains unchanged inasmuch as no adjustment in such rate is required to be made.

El Paso requested that the tendered redesignated tariff sheets be substituted for their respective counterparts tendered by El Paso on August 31, 1979, at Docket Nos. RP72-155, RP79-12, (PGA79-2) (AP79-2) and RP79-37. El Paso also requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary, to permit the revised tariff sheets under the Tab designated "Tariff Sheets" to become effective as of October 1, 1979, the effective date provided by the Commission in said order issued September 28, 1979, in this proceeding. However, if the Commission should not permit El Paso's tendered tariff sheets under the Tab designated "Tariff Sheets" to become effective as requested by El Paso, El Paso requested that the tendered tariff sheets under the Tab designated "Alternative Tariff

<sup>2</sup> Such sheets are Twenty-sixth Revised Sheet No. 3-B to El Paso's Original Volume No. 1 Tariff, Seventeenth Revised Sheet No. 1-D to El Paso's Third Revised Volume No. 2 Tariff and Eighteenth Revised Sheet No. 1-C to El Paso's Original Volume No. 2A Tariff.

Sheets" be made effective as of October 1, 1979.

El Paso also states that it submitted under Enclosure No. 4 to the instant filing the detailed information required by Appendix A of the Commission's September 28, 1979, order and El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72-155, RP79-12 (PGA79-2) (AP79-2) and RP79-37, and, otherwise, upon all affected customers and interested-state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Nov. 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary,

[FR Doc. 79-34364 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

#### [No. 104]

#### Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdiction agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Illinois Department of Mines and Minerals,  
Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02099
2. 12-163-00000

3. 102 000 000
4. James H Donnewald
5. Waller-Wennemann No 1
6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company

1. 80-02100
2. 12-163-00000
3. 102 000 000
4. James H Donnewald
5. John Wennemann No 1
6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company

1. 80-02101
2. 12-163-00000
3. 102 000 000
4. James H Donnewald
5. Lickenbrock-Berke No 1
6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company

1. 80-02102
2. 12-193-28592
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Cain No 1
6. New Harmony
7. White IL
8. 11.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02103
2. 12-193-28571
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Greathouse A No 1
6. New Harmony
7. White IL
8. 39.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02104
2. 12-193-28721
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 2
6. New Harmony
7. White IL
8. 18.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02105
2. 12-193-28737
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 3
6. New Harmony
7. White IL
8. 24.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02106
2. 12-193-28747
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 4
6. New Harmony
7. White IL

8. 37.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp
1. 80-02107
2. 12-193-28750
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 6
6. New Harmony
7. White IL
8. 20.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02108
2. 12-193-28816
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 7
6. New Harmony
7. White IL
8. 25.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp
1. 80-02109
2. 12-193-28817
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 8
6. New Harmony
7. White IL
8. 25.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

## Michigan Department of Natural Resources

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01907
2. 12-055-32774
3. 102 000 000
4. Michigan Oilwell Investors Ltd
5. Everett & Merry Youker #1-34
6. Grant 34-A 25N-12W
7. Grand Traverse MI
8. 57.6 million cubic feet
9. October 10, 1979
10. Consumers Power Company

## New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01953
2. 30-015-00000
3. 103 000 000
4. Wayman W Buchanan
5. Osage Comm No 1
6. Undesignated North Cemetery (WOLFCA)
7. Eddy NM

8. 109.5 million cubic feet
9. October 9, 1979
10. Natural Gas Pipeline Co of America
1. 80-01954
2. 30-015-21055
3. 108 000 000
4. Western Oil Producers Inc
5. Flint #1
6. Wildcat
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01955
2. 30-039-20488
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #136
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 22.0 million cubic feet
9. October 9, 1979
10. El Paso Natural Gas Company, Northwest P/L Corp

1. 80-01956
2. 30-045-23017
3. 103 000 000
4. Southland Royalty Co
5. Day State #2
6. Basin Dakota
7. San Juan NM
8. 75.0 million cubic feet
9. October 9, 1979
10. Southern Union Gathering Co
1. 80-01957
2. 30-045-22563
3. 103 000 000
4. Southland Royalty Co
5. Greenbrier #1
6. Blanco Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. October 9, 1979
10. Southern Union Gathering Co
1. 80-01958
2. 30-045-00000
3. 103 000 000
4. Southland Royalty Co
5. Culpepper Martin #17
6. Basin Dakota
7. San Juan NM
8. 75.0 million cubic feet
9. October 9, 1979
10. Southern Union Gathering Co

1. 80-01959
2. 30-045-23049
3. 103 000 000
4. Southland Royalty Co
5. Maddox Waller #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. October 9, 1979
10. El Paso Natural Gas Co
1. 80-01960
2. 30-045-22648
3. 103 000 000
4. Southland Royalty Co
5. Lawson #3
6. Blanco Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. October 9, 1979
10. Southern Union Gathering Co
1. 80-02110

2. 30-015-00000
3. 103 000 000
4. Dorchester Exploration Inc
5. Morrison Com No 1
6. W Four Mile Draw (Morrow)
7. Eddy NM
8. .0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02283
2. 30-025-10847
3. 108 000 000
4. Arco Oil & Gas Company
5. Melba Golins No 2-Y
6. Langlie Mattix
7. Lea NM
8. 7.0 million cubic feet
9. October 15, 1979
10. El Paso Natural Gas Co

1. 80-02284
2. 30-025-11018
3. 108 000 000
4. Arco Oil & Gas Company
5. Jim Camp WN #1
6. Langlie Mattix
7. Lea NM
8. 14.0 million cubic feet
9. October 15, 1979
10. El Paso Natural Gas Co
1. 80-02285
2. 30-025-00000
3. 108 000 000
4. Campbell & Hedrick
5. Campbell & Hedrick Curry #1
6. Eumont Yates-Seven Rivers Queen
7. Lea NM
8. 11.0 million cubic feet
9. October 15, 1979
10. Phillips Petroleum Company
1. 80-02286
2. 30-025-26169
3. 103 000 000
4. Amerada Hess Corporation
5. State U Gas Com #2
6. Eumont Queen
7. Lea NM
8. 276.0 million cubic feet
9. October 15, 1979
10. Northern Natural Gas Company

1. 80-02287
2. 30-045-23367
3. 103 000 000
4. Southland Royalty Co
5. Hedges #3
6. Aztec Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. October 15, 1979
10. El Paso Natural Gas Company
1. 80-02288
2. 30-015-22724
3. 103 000 000
4. Hondo Oil & Gas Company
5. State CB Com #1
6. Undesignated Winchester
7. Eddy NM
8. 400.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America

## Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA

4. Operator  
 5. Well name  
 6. Field or OCS area name  
 7. County, State or Block No.  
 8. Estimated annual volume  
 9. Date received at FERC  
 10. Purchaser(s)  
 1. 80-01816/04008  
 2. 34-103-24429-0014  
 3. 108 000 000  
 4. Cora B Hoey  
 5. Fisher #1  
 6.  
 7. Medina OH  
 8. .9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01982/02222  
 2. 34-155-20505-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2024) V Bacon Unit #2  
 6.  
 7. Trumbull OH  
 8. 1.8 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01963/02235  
 2. 34-155-20496-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2012) M & L Haines Unit #1  
 6.  
 7. Trumbull OH  
 8. 8.0 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01964/02237  
 2. 34-155-20479-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2010) W & E Downs Unit #2  
 6.  
 7. Trumbull OH  
 8. 10.0 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01965/02246  
 2. 34-155-20690-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2046) M Owen Unit #1  
 6.  
 7. Trumbull OH  
 8. 5.7 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01966/02247  
 2. 34-155-20675-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2045) J & J Cicchillo #3  
 6.  
 7. Trumbull OH  
 8. 5.6 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01967/02248  
 2. 34-155-20676-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2044) J & J Cicchillo #2  
 6.  
 7. Trumbull OH  
 8. 5.6 million cubic feet

9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01968/02252  
 2. 34-155-20677-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2043) J & J Cicchillo #1  
 6.  
 7. Trumbull OH  
 8. 5.6 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01969/02257  
 2. 34-155-20669-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2039) J & L Shaffer #1  
 6.  
 7. Trumbull OH  
 8. 5.2 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01970/02263  
 2. 34-155-20748-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2098) M Van Slyke #2  
 6.  
 7. Trumbull, OH  
 8. 10.0 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01971/04622  
 2. 34-073-21909-0014  
 3. 108 000 000  
 4. Wilson Petroleum Corporation  
 5. Tracy W-3  
 6.  
 7. Hocking, OH  
 8. 4.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Corp  
 1. 80-01972/06836  
 2. 34-127-24380-0014  
 3. 103 000 000  
 4. Don McKee Drilling Co Inc  
 5. T A & Opal Wiseman #1  
 6.  
 7. Perry, OH  
 8. 5.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas  
 1. 80-01973/02221  
 2. 34-155-20558-0014  
 3. 108 000 000  
 4. Flint Oil & Gas Inc  
 5. (2033) Wilcox Unit #1  
 6.  
 7. Trumbull, OH  
 8. 4.9 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Company  
 1. 80-01974/06837  
 2. 34-155-21115-0014  
 3. 103 000 000  
 4. Berea Oil and Gas Corporation  
 5. M Burn Unit #1  
 6.  
 7. Trumbull, OH  
 8. 27.4 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Co  
 1. 80-01975/06838  
 2. 34-155-21253-0014

3. 103 000 000  
 4. Berea Oil & Gas Corporation  
 5. McElrath #1  
 6.  
 7. Trumbull, OH  
 8. 18.3 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Co  
 1. 80-01976/06839  
 2. 34-155-21233-0014  
 3. 103 000 000  
 4. Berea Oil and Gas Corporation  
 5. Burdman #1  
 6.  
 7. Trumbull, OH  
 8. 43.8 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Co  
 1. 80-01977/06840  
 2. 34-075-02187-0014  
 3. 103 000 000  
 4. M C F Oil Company, Inc  
 5. The Graven Farm A Partnership #1  
 6.  
 7. Holmes, OH  
 8. 5.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Corp  
 1. 80-01978/06841  
 2. 34-169-22188-0014  
 3. 103 000 000  
 4. Royal Petroleum III Ltd  
 5. Neuenschwander #1  
 6.  
 7. Wayne County, OH  
 8. 4.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Corp  
 1. 80-01901979/06843  
 2. 34-133-21999-0014  
 3. 103 000 000  
 4. Orion Energy Corp  
 5. Charles Chance #2  
 6.  
 7. Portage, OH  
 8. 10.0 million cubic feet  
 9. October 11, 1979  
 10.  
 1. 80-01980/06844  
 2. 34-157-23038-0014  
 3. 103 000 000  
 4. Leslie Oil & Gas Co Inc  
 5. Border/Doney Unit #1  
 6.  
 7. Tuscarawas County, OH  
 8. 20.0 million cubic feet  
 9. October 11, 1979  
 10. East Ohio Gas Corporation  
 1. 80-01981/06848  
 2. 34-169-22120-0014  
 3. 103 000 000  
 4. Paul J Obermiller  
 5. Joseph McElwee #1  
 6.  
 7. Wayne, OH  
 8. 20.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01982/06849  
 2. 34-029-20756-0014  
 3. 103 000 000  
 4. Bill Blair Incorporated  
 5. Olin Conrad #2  
 6. Homeworth Field  
 7. Columbiana, OH

8. 36.0 million cubic feet
9. October 11, 1979
10. East Ohio Company
1. 80-01983/06850
2. 34-029-20755-0014
3. 103 000 000
4. Bill Blair Incorporated
5. Olin Conrad #1
6. Homeworth Field
7. Columbiana, OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01984/06851
2. 34-089-23640-0014
3. 103 000 000
4. American Well Management Company
5. Crowley No. 1
- 6.
7. Licking, OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01985/06852
2. 34-115-21822-0014
3. 103 000 000
4. O'Neal Production, Inc
5. McKown #1
- 6.
7. Morgan, OH
8. .0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01986/06853
2. 34-075-22203-0014
3. 103 000 000
4. B T Simpson, Jr
5. R & Janet Nemeth #1 2203
6. Nashville
7. Holmes, OH
8. 115.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01987/06854
2. 34-075-22208-0014
3. 103 000 000
4. B T Simpson Jr
5. Curtis Martin #2 2208
6. Nashville
7. Holmes OH
8. 85.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01988/06855
2. 34-133-21345-0014
3. 103 000 000
4. R J S Properties Production
5. K S S Associates Well #3
- 6.
7. Portage, OH
8. 40.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01989/06856
2. 34-133-21338-0014
3. 103 000 000
4. R J S Properties Production
5. K S S Associates Well #1
- 6.
7. Portage, OH
8. 40.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01990/06857
2. 34-031-23211-0014
3. 103 000 000
4. Oxford Oil Co
5. Loren Helser #1
- 6.
7. Coshocton, OH
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-01991/06859
2. 34-115-21822-0014
3. 103 000 000
4. O'Neal Productions, Inc
5. McKown #1
- 6.
7. Morgan, OH
8. 8.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01992/06865
2. 34-119-24448-0014
3. 103 000 000
4. Benatty Corporation
5. Crawford Unit #1
- 6.
7. Muskingum, OH
8. 25.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01993/06868
2. 34-155-20757-0014
3. 103 000 000
4. Flint Oil & Gas Inc
5. (2108) John & Margaret Panyko #1
- 6.
7. Trumbull, OH
8. 10.0 million cubic feet
9. October 11, 1979
10. The East Ohio Gas Company
1. 80-01994/06867
2. 34-133-21655-0014
3. 103 000 000
4. Inland Drilling Co, Inc
5. Peter Zahirsky #1
- 6.
7. Portage, OH
8. 1.5 million cubic feet
9. October 11, 1979
- 10.
1. 80-01995/06868
2. 34-133-21669-0014
3. 103 000 000
4. Inland Drilling Co, Inc
5. Matthew S Pochedly #6
- 6.
7. Portage, OH
8. 1.2 million cubic feet
9. October 11, 1979
- 10.
1. 80-01996/06869
2. 34-133-21786-0014
3. 103 000 000
4. Inland Drilling Co, Inc
5. Strausser #4
- 6.
7. Portage, OH
8. 1.5 million cubic feet
9. October 11, 1979
- 10.
1. 80-01997/06870
2. 34-34-133-21670-0014
3. 103 000 000
4. Inland Drilling Co, Inc
5. Matthew S Pochedly #7
- 6.
7. Portage, OH
8. 1.2 million cubic feet
9. October 11, 1979
- 10.
1. 80-01998/06871
2. 34-133-21888-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. D Dorson #1
- 6.
7. Portage, OH
8. 5.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01999/06872
2. 34-133-21887-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. D Dorson #2
- 6.
7. Portage, OH
8. 5.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02000/06873
2. 34-031-23150-0014
3. 103 000 000
4. Jadoil Inc
5. Lewis S & Bernice L Knox #1
- 6.
7. Coshocton OH
8. .0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02001/06874
2. 34-075-22027-0014
3. 103 000 000
4. Jadoil Inc
5. Ammon H & Freda Miller No 1
- 6.
7. Holmes OH
8. .0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-02002/06875
2. 34-075-22017-0014
3. 103 000 000
4. Jadoil Inc
5. Moses L & Dena Troyer #1
- 6.
7. Holmes OH
8. .0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-02003/06876
2. 34-089-21143-0014
3. 103 000 000
4. Integrated Petroleum Co Inc
5. St John/Kobylanski Unit #1
- 6.
7. Mahoning OH
8. 50.0 million cubic feet
9. October 11, 1979
10. American Energy Service Inc
1. 80-02004/06877
2. 34-089-21112-0014
3. 103 000 000
4. Integrated Petroleum Company Inc
5. Dilisio #1
- 6.
7. Mahoning OH
8. 35.0 million cubic feet
9. October 11, 1979
10. American Energy Service
1. 80-02005/06878

2. 34-099-21142-0014  
3. 103 000 000  
4. Integrated Petroleum Co Inc  
5. Dogwood/Steck Unit #1  
6.  
7. Mahoning OH  
8. 30.0 million cubic feet  
9. October 11, 1979  
10. American Energy Service Inc

1. 80-02006/06890  
2. 34-089-23581-0014  
3. 103 000 000  
4. Petro Oil Co  
5. McKee Well #1  
6.  
7. Licking OH  
8. .0 million cubic feet  
9. October 11, 1979  
10. Newzane Gas Company

1. 80-02007/06891  
2. 34-127-24285-0014  
3. 103 000 000  
4. Petro Oil Co  
5. Van Horn Well #2  
6.  
7. Perry OH  
8. .0 million cubic feet  
9. October 11, 1979  
10.

1. 80-020028/06892  
2. 34-119-24268-0014  
3. 103 000 000  
4. Petro Oil Co  
5. Niebarger Well #1  
6.  
7. Muskingum OH  
8. .0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02009/06893  
2. 34-127-24288-0014  
3. 103 000 000  
4. Petric Oil Co  
5. Howdysheill Lumer Company #1  
6.  
7. Perry OH  
8. .0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02010/06894  
2. 34-075-22173-0014  
3. 103 000 000  
4. Berwell Energy Inc  
5. Raymond Kyser No 1  
6.  
7. Holmes OH  
8. 54.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Corp

1. 80-02011/06896  
2. 34-127-24250-0014  
3. 103 000 000  
4. Jadoil Inc  
5. Busse-Peterfish Unit #1  
6.  
7. Perry OH  
8. 6.0 million cubic feet  
9. October 11, 1979  
10. National Gas and Oil Corp

1. 80-02012/06897  
2. 34-089-235520014  
3. 103 000 000  
4. Jadoil Inc  
5. Jefferies Bros #4  
6.

7. Licking OH  
8. 10.0 million cubic feet  
9. October 11, 1979  
10. Newzane Gas Company  
1. 80-02013/06898  
2. 34-157-23366-0014  
3. 103 000 000  
4. Superior Petroleum Services Inc  
5. J R Spring #1  
6.

7. Tuscarawas OH  
8. 52.0 million cubic feet  
9. October 11, 1979  
10. East Ohio Gas Company  
1. 80-02014/06899  
2. 34-133-20889-0014  
3. 103 000 000  
4. Perkins Drilling Inc  
5. Peck #3  
6.

7. Portage OH  
8. 5.4 million cubic feet  
9. October 11, 1979  
10. East Oil Gas Co  
1. 80-02015/06900  
2. 34-029-02078-0014  
3. 103 000 000  
4. Bill Blair Incorporated  
5. Edward Kibler #4  
6. Homeworth Field  
7. Columbiana OH  
8. 30.0 million cubic feet  
9. October 11, 1979  
10. East Ohio Gas Company

1. 80-02016/06901  
2. 34-029-20749-0014  
3. 103 000 000  
4. Bill Blair Incorporated  
5. Edward Kibler #2  
6. Homeworth Field  
7. Columbiana OH  
8. 30.0 million cubic feet  
9. October 11, 1979  
10. East Ohio Gas Company

1. 80-02017/06902  
2. 34-045-20611-0014  
3. 103 000 000  
4. Reliance Management Co  
5. G Oren & J Young #1  
6.  
7. Fairfield OH  
8. 10.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission

1. 80-02018/06904  
2. 34-127-24339-0014  
3. 103 000 000  
4. Reliance Management Co  
5. James Wallace #1  
6.  
7. Perry OH  
8. 10.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission

1. 80-02019/06917  
2. 34-169-22108-0014  
3. 103 000 000  
4. Edco Drilling & Producing Inc  
5. MO-1A Hofsteter  
6.  
7. Wayne OH  
8. 18.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02020/06918

2. 34-169-22107-0014  
3. 103 000 000  
4. Edco Drilling & Producing Inc  
5. MO-1A Rollason Unit 1  
6.  
7. Wayne OH  
8. 18.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02021/06919  
2. 34-075-22143-0014  
3. 103 000 000  
4. Edco Drilling & Producing Inc  
5. MO-1A Troyer  
6.  
7. Holmes OH  
8. 18.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02022/06920  
2. 34-075-22145-0014  
3. 103 000 000  
4. Edco Drilling & Producing Inc  
5. MO-1C Miller  
6.  
7. Holmes OH  
8. 18.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02023/06921  
2. 34-075-22140-0014  
3. 103 000 000  
4. Edco Drilling & Producing Inc  
5. MO-1A Weaver  
6.  
7. Holmes OH  
8. 18.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02024/06922  
2. 34-133-21881-0014  
3. 103 000 000  
4. Viking Resources Corporation  
5. East Manufacturing #2  
6.  
7. Portage OH  
8. 30.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02025/06923  
2. 34-133-21903-0014  
3. 103 000 000  
4. Viking Resources Corporation  
5. East Manufacturing-Frame #1  
6.  
7. Portage OH  
8. 30.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02026/06924  
2. 34-133-21998-0014  
3. 103 000 000  
4. Orion Energy Corp  
5. T Chance Unit #3  
6.  
7. Portage OH  
8. 12.0 million cubic feet  
9. October 11, 1979  
10.

1. 80-02027/06925  
2. 34-133-22006-0014  
3. 103 000 000  
4. Orion Energy Corp  
5. Cranmer Unit #2  
6.

7. Portage OH
8. 12.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02028/06926
2. 34-089-23652-0014
3. 103 000 000
4. American Well Management Company
5. Crowley NO 1A
- 6.
7. Licking OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02029/06928
2. 34-119-24786-0014
3. 103 000 000
4. Bates Oil & Gas Inc
5. Lantz #2
- 6.
7. Muskingum OH
8. 38.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02030/06929
2. 34-083-22605-0014
3. 103 000 000
4. Bates Oil & Gas Inc
5. Jones #1
- 6.
7. Knox OH
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02031/06930
2. 34-169-22110-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Gerber
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02032/06931
2. 34-169-22109-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. Mo-1a Geiser
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02033/06932
2. 34-133-21880-0014
3. 103 000 000
4. Viking Resources Corporation
5. East Manufacturing #3
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02034/06933
2. 34-133-21879-0014
3. 103 000 000
4. Viking Resources Corporation
5. Frame-East Manufacturing #4
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02035/06934
2. 34-089-23558-0014
3. 103 000 000
4. Jonsu Corp
5. Hornyak #2
- 6.
7. Licking OH
8. 5.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02036/06940
2. 34-127-24283-0014
3. 103 000 000
4. The Clinton Oil Company
5. Shiplett #7
- 6.
7. Perry OH
8. 20.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02037/06941
2. 34-127-24281-0014
3. 103 000 000
4. The Clinton Oil Company
5. Shiplett #8
- 6.
7. Perry OH
8. 25.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02038/06943
2. 34-157-23355-0014
3. 103 000 000
4. William N Tipka
5. Liggett-Berkshire #1
- 6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02039/06944
2. 34-157-23368-0014
3. 103 000 000
4. William N Tipka
5. Lucy W Proctor #1A
- 6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-02040/06945
2. 34-169-22163-0014
3. 103 000 000
4. Ohio Natural Fuel Co
5. Redick #3
- 6.
7. Wayne OH
8. 22.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02041/06946
2. 34-031-23305-0014
3. 103 000 000
4. Jerry Moore Inc
5. Dale Schlarb No 1
6. Keene
7. Coshocton OH
8. 14.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission
1. 80-02042/06947
2. 34-103-21981-0014
3. 103 000 000
4. Leslie Oil & Gas Co Inc
5. Frank Simmerman #1
- 6.
7. Medina OH
8. 3.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02043/06964
2. 34-127-24282-0014
3. 103 000 000
4. The Clinton Oil Company
5. Dixon #1
- 6.
7. Perry OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02044/06965
2. 34-127-24280-0014
3. 103 000 000
4. The Clinton Oil Company
5. J. Wilson #1
- 6.
7. Perry OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.

## Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-01793/00726
2. 35-139-00000
3. 108 000 000
4. Kaiser Francis Oil Company
5. J S Ingle #1
6. Guymon Hugoton
7. Texas OK
8. 10.0 million cubic feet
9. October 10, 1979
10. Cities Services Gas Company

1. 80-01794/00604
2. 35-137-00000
3. 108 000 000
4. Getty Oil Company
5. Crosbie-Mudge No 4
6. Sho-Vel-Tum
7. Stephens OK
8. 19.0 million cubic feet
9. October 10, 1979
10. Getty Oil Co Natural Gas Plant

1. 80-01795/00610
2. 35-137-20146
3. 108 000 000
4. Getty Oil Company
5. Buck A No 1
6. Sho-Vel-Tum
7. Stephens OK
8. 13.0 million cubic feet
9. October 10, 1979
10. Lone Star Gas Company

1. 80-01796/00727
2. 35-139-00000
3. 108 000 000
4. Kansas Nebraska Natural Gas Co Inc
5. Prewett B #1
6. Guymon Hugoton
7. Texas OK
8. 14.0 million cubic feet
9. October 10, 1979

10.

1. 80-01797/00735

2. 35-139-00000

3. 108 000 000

4. Kansas Nebraska Natural Gas Co Inc

5. Randles #1

6. Guymon Hugoton

7. Texas OK

8. 9.0 million cubic feet

9. October 10, 1979

10.

1. 80-01798/00740

2. 35-007-00000

3. 108 000 000

4. Cimarron Petroleum Corporation

5. Elston No CPC 13

6. Mocane-Laverne

7. Beaver OK

8. 8.5 million cubic feet

9. October 10, 1979

10. Michigan Wisconsin Pipe Line Co

1. 80-01799/00299

2. 35-139-20968

3. 103 000 000

4. Anadarko Production Co

5. Pollock A No 2

6. North Richland Center

7. Texas OK

8. 320.0 million cubic feet

9. October 10, 1979

10. Panhandle Eastern Pipeline Co

1. 80-01800/00600

2. 35-019-00000

3. 108 000 000

4. Roy W Roring

5. Blum No 1

6. Ceddo

7. Carter OK

8. 8.9 million cubic feet

9. October 10, 1979

10. Union Oil Co of California

1. 80-01801/00728

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Shorb #1

6. Camrick

7. Texas OK

8. 12.0 million cubic feet

9. October 10, 1979

10.

1. 80-01802/00729

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Stinson D #1

6. Guymon Hugoton

7. Texas OK

8. 4.0 million cubic feet

9. October 10, 1979

10.

1. 80-01803/00730

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Westmoreland A #1

6. Guymon Hugoton

7. Texas OK

8. 17.0 million cubic feet

9. October 10, 1979

10.

1. 80-01804/00762

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. J Friesen #1

6. Guymon Hugoton

7. Texas OK

8. 11.0 million cubic feet

9. October 10, 1979

10.

1. 80-01805/00749

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Pauls #1

6. Guymon Hugoton

7. Texas OK

8. 10.0 million cubic feet

9. October 10, 1979

10.

1. 80-01806/00750

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. F Pauls #1

6. Guymon Hugoton

7. Texas OK

8. 12.0 million cubic feet

9. October 10, 1979

10.

1. 80-01807/00760

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Hamm #1

6. Guymon Hugoton

7. Texas OK

8. 14.0 million cubic feet

9. October 10, 1979

10.

1. 80-01808/00228

2. 35-011-20914

3. 103 000 000

4. Mich Wisc Pipe Line Co

5. Helm #2

6. Squaw Creek

7. Blaine OK

8. 365.0 million cubic feet

9. October 10, 1979

10. Michigan Wisconsin Pipe Line Co

1. 80-01809/00625

2. 35-007-00000

3. 108 000 000

4. Patrick &amp; Vaughn

5. Miles A 1-3

6. Mocane Morrow (Pool No 96)

7. Beaver OK

8. 12.0 million cubic feet

9. October 10, 1979

10. Colorado Interstate Gas Co

1. 80-01810/00289

2. 35-139-00000

3. 108 000 000

4. E Lyle Johnson

5. Fankhouser ID# 11876

6. Mouser

7. Texas OK

8. 8.3 million cubic feet

9. October 10, 1979

10. Cities Service

1. 80-01811/00628

2. 35-007-21288

3. 108 000 000

4. Elder &amp; Vaughn

5. Miller #1

6. Mocane Chester (Pool No 95)

7. Beaver County OK

8. 15.0 million cubic feet

9. October 10, 1979

10. Colorado Interstate Gas Co

1. 80-01812/00737

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Tharp A #1

6. Guymon Hugoton

7. Texas OK

8. .1 million cubic feet

9. October 10, 1979

10.

1. 80-01813/00736

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. State B #1

6. Guymon Hugoton

7. Texas OK

8. 6.0 million cubic feet

9. October 10, 1979

10.

1. 80-01814/00738

2. 35-139-00000

3. 108 000 000

4. Kan Neb Nat Gas Co Inc

5. Grice #1

6. Camrick

7. Texas OK

8. 12.0 million cubic feet

9. October 10, 1979

10.

1. 80-01815/00032

2. 35-009-20236

3. 107 000 000

4. The GHK Company

5. Watkins 1-21

6. Carpenter

7. Beckham OK

8. 3600.0 million cubic feet

9. October 11, 1979

10. Michigan Wisconsin Pipelines, Oklahoma  
Natural Gas-WesternWest Virginia Department of Mines, Oil and  
Gas Division

1. Control Number (F.E.R.C./State)

2. API Well Number

3. Section of NGPA

4. Operator

5. Well Name

6. Field or OCS area name

7. County, State or Block No.

8. Estimated Annual Volume

9. Date Received at FERC

10. Purchaser(s)

1. 80-01817

2. 47-097-01293

3. 108 000 000

4. Allegheny Land &amp; Mineral Co

5. A-406

6. Union District

7. Upshur WV

8. .8 million cubic feet

9. October 10, 1979

10. Consolidated Gas Supply Corp

1. 80-01818

2. 47-097-01167

3. 108 000 000

4. Allegheny Land &amp; Mineral Co

5. A-336

6. Union District

7. Upshur WV

8. 7.0 million cubic feet

9. October 10, 1979



10. Consolidated Gas Supply Corp  
 1. 80-01820  
 2. 47-097-01241  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-368  
 6. Washington District  
 7. Upshur WV  
 8. 13.7 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01821  
 2. 47-097-01245  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-393  
 6. Washington District  
 7. Upshur WV  
 8. 4.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01822  
 2. 47-097-01253  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-394  
 6. Washington District  
 7. Upshur WV  
 8. 13.5 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01823  
 2. 47-097-01256  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-391  
 6. Union District  
 7. Upshur WV  
 8. 3.6 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01824  
 2. 47-097-01259  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-392  
 6. Union District  
 7. Upshur WV  
 8. 2.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01825  
 2. 47-097-01281  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-395  
 6. Union District  
 7. Upshur WV  
 8. 4.6 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01826  
 2. 47-097-01291  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-404  
 6. Union District  
 7. Upshur WV  
 8. 15.2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01827  
 2. 47-097-01289  
 3. 108 000 000

4. Allegheny Land & Mineral Co  
 5. A-401  
 6. Washington District  
 7. Upshur WV  
 8. 7.9 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01828  
 2. 47-097-01292  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-405  
 6. Union District  
 7. Upshur WV  
 8. 5.2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01829  
 2. 47-097-01508  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-479  
 6. Union District  
 7. Upshur WV  
 8. 17.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01830  
 2. 47-097-01510  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-503  
 6. Union District  
 7. Upshur WV  
 8. 19.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01831  
 2. 47-097-01521  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-481  
 6. Union District  
 7. Upshur WV  
 8. 12.9 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01832  
 2. 47-097-01529  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-477  
 6. Union District  
 7. Upshur WV  
 8. 1.9 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01833  
 2. 47-097-01570  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-513  
 6. Union District  
 7. Upshur WV  
 8. 11.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01834  
 2. 47-097-01572  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-474  
 6. Union District  
 7. Upshur WV  
 8. 16.7 million cubic feet

9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01835  
 2. 47-097-01578  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-522  
 6. Washington District  
 7. Upshur WV  
 8. 10.4 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01836  
 2. 47-097-01645  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-507  
 6. Banks District  
 7. Upshur WV  
 8. 5.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01837  
 2. 47-097-01422  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-443  
 6. Union District  
 7. Upshur WV  
 8. 9.2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01838  
 2. 47-097-01425  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-451  
 6. Union District  
 7. Upshur WV  
 8. 2.2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01839  
 2. 47-097-01443  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-449  
 6. Union District  
 7. Upshur WV  
 8. 1.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01840  
 2. 47-097-01496  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-447  
 6. Washington District  
 7. Upshur WV  
 8. 14.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01841  
 2. 47-097-01497  
 3. 108 000 000  
 4. Allegheny Land & Mineral Co  
 5. A-448  
 6. Washington District  
 7. Upshur WV  
 8. 14.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01842  
 2. 47-097-01498

3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-465  
6. Washington District  
7. Upshur WV  
8. 21.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01843  
2. 47-097-01503  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-502  
6. Washington District  
7. Upshur WV  
8. 3.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01844  
2. 47-097-01506  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-497  
6. Washington District  
7. Upshur WV  
8. 12.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01845  
2. 47-041-01312  
3. 108 000 000  
4. Ray Resources Div Of Flying Diamond  
5. Jo L Connally #1(40)  
6. Freemans CK  
7. Lewis WV  
8. 1.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas

1. 80-01846  
2. 47-105-00419  
3. 108 000 000  
4. Ray Resources Div Of Flying Diamond  
5. Roberts-Nutter #667  
6. Burning Springs  
7. Wirt WV  
8. 5.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01847  
2. 47-105-00506  
3. 108 000 000  
4. Ray Resources Div Of Flying Diamond  
5. Roberts #665  
6. Burning Springs  
7. Wirt WV  
8. 2.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas

1. 80-01848  
2. 47-059-00725  
3. 108 000 000  
4. Gilbert Creek Gas Co  
5. H C Cline #1  
6. Stafford  
7. Mingo WV  
8. 5.6 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans

1. 80-01849  
2. 47-059-00734  
3. 108 000 000  
4. Gilbert Creek Gas Co  
5. Scott Ellis #1  
6. Stafford  
7. Mingo WV

8. 5.3 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans

1. 80-01850  
2. 47-059-00747  
3. 108 000 000  
4. Gilbert Creek Gas Co  
5. M V Bobo #1  
6. Stafford  
7. Mingo WV  
8. 7.1 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans

1. 80-01851  
2. 47-099-01061  
3. 108 000 000  
4. Deephole Gas Co  
5. Tom Hill #1  
6. Butler  
7. Wayne WV  
8. 2.8 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans

1. 80-01852  
2. 47-059-00769  
3. 108 000 000  
4. Fort Collins Consol Roy Inc  
5. B McDonald Hrs #1  
6. Stafford  
7. Mingo WV  
8. 7.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01853  
2. 47-007-00642  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. Effie Nicholas #139  
6. Birch  
7. Brayton WV  
8. .9 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Co

1. 80-01854  
2. 47-007-00700  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. A B Campell #1  
6. Salt Lick  
7. Braxton WV  
8. 7.7 million cubic feet  
9. October 10, 1979  
10. J C Baker & Sons Inc

1. 80-01855  
2. 47-007-00713  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. H Cunningham #48  
6. Salt Lick  
7. Braxton WV  
8. 1.9 million cubic feet  
9. October 10, 1979  
10. J C Baker & Sons Inc

1. 80-01856  
2. 47-007-00710  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. Hugh Cunningham #1  
6. Salt Lick  
7. Braxton WV  
8. 1.9 million cubic feet  
9. October 10, 1979  
10. J C Baker & Sons Inc

80-01857

2. 47-013-02160  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. H G Isenhardt #1 (56)  
6. Washington  
7. Calhoun WV  
8. .5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01858  
2. 47-013-02187  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. L L Knots #2 (58)  
6. Lee  
7. Calhoun WV  
8. 4.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01859  
2. 47-017-01333  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. Ralph Leggett #2 (59)  
6. Central  
7. Doddridge WV  
8. 5.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01860  
2. 47-021-01662  
3. 108 000 000  
4. Ray Resources Div of Flying Diamond  
5. M Stump #2 (#111)  
6. Dekalb  
7. Gilmer WV  
8. 3.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply

1. 80-01861  
2. 47-013-00708  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #10  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01862  
2. 47-013-00712  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #11  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01863  
2. 47-013-00713  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #12  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01864  
2. 47-013-00536  
3. 108 000 000  
4. Pennzoil Company  
5. Henry Brannon #5  
6. Sherman District

7. Calhoun WV  
8. 2.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01865  
2. 47-013-00537  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #4  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01866  
2. 47-013-00577  
3. 108 000 000  
4. Pennzoil Company  
5. Henry Brannon #6  
6. Sherman District  
7. Calhoun WV  
8. 1.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01867  
2. 47-013-00599  
3. 108 000 000  
4. Pennzoil Company  
5. Henry Brannon #7  
6. Sherman District  
7. Calhoun WV  
8. 2.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01868  
2. 47-013-00641  
3. 108 000 000  
4. Pennzoil Company  
5. Henry Brannon #8  
6. Sherman District  
7. Calhoun WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01869  
2. 47-013-00642  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #8  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01870  
2. 47-013-00672  
3. 108 000 000  
4. Pennzoil Company  
5. Sharp J S #9  
6. Sherman  
7. Calhoun WV  
8. .8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01871  
2. 47-039-02625  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #12A  
6. Elk  
7. Kanawha WV  
8. 14.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01872

2. 47-039-02028  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #10A  
6. Elk  
7. Kanawha WV  
8. 15.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01873  
2. 47-039-02185  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #11A  
6. Elk  
7. Kanawha WV  
8. 17.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01874  
2. 47-039-02017  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Moubray #1  
6. Elk  
7. Kanawha WV  
8. 7.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01875  
2. 47-039-02004  
3. 108 000 000  
4. Blue Creek Coal Co  
5. Blue Creek Coal & Land #9A  
6. Elk  
7. Kanawha WV  
8. 11.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01876  
2. 47-039-01991  
3. 108 000 000  
4. Blue Creek Coal Co  
5. Blue Creek Coal & Land #7A  
6. Elk  
7. Kanawha WV  
8. 12.2 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01877  
2. 47-039-02000  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Gas Coal & Land #8A  
6. Elk  
7. Kanawha WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01878  
2. 47-039-01983  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Gas Coal & Land #8A  
6. Elk  
7. Kanawha WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01879  
2. 47-039-01947  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Gas Coal & Land #5A  
6. Malden

7. Kanawha WV  
8. 8.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01880  
2. 47-039-01942  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Gas Coal & Land #4A  
6. Elk  
7. Kanawha WV  
8. 11.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01881  
2. 47-039-01935  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Gas Coal & Land #3A  
6. Elk  
7. Kanawha WV  
8. 11.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01882  
2. 47-065-23627  
3. 108 000 000  
4. Dennis D Blauser  
5. Alvin Tharp #2  
6. Union  
7. Ritchie WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01883  
2. 47-065-23626  
3. 108 000 000  
4. Dennis D Blauser  
5. Hubert Rose #1  
6. Union  
7. Ritchie WV  
8. 8.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01884  
2. 47-065-23625  
3. 108 000 000  
4. Dennis D Blauser  
5. Paul Baker #1  
6. Union  
7. Ritchie WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01885  
2. 47-021-22404  
3. 108 000 000  
4. Dennis D Blauser  
5. Rex Southall #1  
6. Troy  
7. Gilmer WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01886  
2. 47-039-02620  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #18  
6. Elk  
7. Kanawha WV  
8. 15.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01887

2. 47-039-01945  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #14  
6. Malden  
7. Kanawha WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01888  
2. 47-021-02749  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Adams No 1  
6. Glenville North  
7. Gilmer WV  
8. 3.6 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01889  
2. 47-047-20415  
3. 108 000 000 denied  
4. Worldwide Oil & Gas Co  
5. Elizabeth Evans No 1  
6. Sandy River District  
7. McDowell WV  
8. 1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01890  
2. 47-021-02803  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Morris No 2A  
6. Glenville South  
7. Gilmer WV  
8. 6.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01891  
2. 47-021-02526  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Morris No. 1-A  
6. Glenville South  
7. Gilmer WV  
8. 6.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01892  
2. 47-085-02695  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Freshour No 3  
6. Auburn  
7. Ritchie WV  
8. 1.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01893  
2. 47-085-02777  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Freshour No 2  
6. Auburn  
7. Ritchie WV  
8. 1.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01894  
2. 47-039-01891  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #13  
6. Malden

7. Kanawha WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01895  
2. 47-041-01678  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-361  
6. Hackers Creek District  
7. Lewis WV  
8. 2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01896  
2. 47-041-00862  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-159  
6. Freemans Creek District  
7. Lewis WV  
8. 4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01897  
2. 47-041-01012  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-179  
6. Freemans Creek District  
7. Lewis WV  
8. 1.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01898  
2. 47-033-00928  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-564  
6. Union District  
7. Harrison WV  
8. 4.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01899  
2. 47-033-00929  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-548  
6. Union District  
7. Harrison WV  
8. 8.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01900  
2. 47-033-00933  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-547  
6. Grant District  
7. Harrison WV  
8. 6.8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01901  
2. 47-033-00934  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-556  
6. Union District  
7. Harrison WV  
8. 3.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01902

2. 47-033-00936  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-575  
6. Sardis District  
7. Harrison WV  
8. 9.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01903  
2. 47-033-00947  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-572  
6. Union District  
7. Harrison WV  
8. 3.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01904  
2. 47-041-00508  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-73  
6. Courthouse District  
7. Lewis WV  
8. 4.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01905  
2. 47-041-00545  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-85  
6. Freemans Creek District  
7. Lewis WV  
8. 1.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01906  
2. 47-041-00596  
3. 108 000 000  
4. Allegheny Land & Mineral Co  
5. A-87  
6. Freemans Creek District  
7. Lewis WV  
8. 1.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01908  
2. 47-021-01881  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Craddock No 1  
6. Chaple-German  
7. Gilmer WV  
8. 6.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01909  
2. 47-021-01905  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Post No 2  
6. Glenville South  
7. Gilmer WV  
8. 3.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01910  
2. 47-021-01930  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Helmick No 1  
6. Glenville South

7. Gilmer WV  
8. 1.8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01911  
2. 47-021-02449  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Boyles' No 1A  
6. Glenville South  
7. Gilmer WV  
8. 14.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01912  
2. 47-041-02081  
3. 108 000 000  
4. Trio Petroleum Corp  
5. A B College No 1  
6. Glenville North  
7. Lewis WV  
8. 2.8 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas  
1. 80-01913  
2. 47-021-02752  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Simmons No 1  
6. Glenville North  
7. Gilmer WV  
8. 8.3 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01914  
2. 47-021-02761  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Frymyer No 1  
6. Glenville North  
7. Gilmer WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01915  
2. 47-021-02760  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Welch A No 1  
6. Glenville North  
7. Gilmer WV  
8. 5.1 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01916  
2. 47-021-01010  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Luzader No 1  
6. Glenville South  
7. Gilmer WV  
8. 2.8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01917  
2. 47-021-01020  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Groves No 1  
6. Glenville South  
7. Gilmer WV  
8. .4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01918

2. 47-021-01202  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Goff No 1  
6. Revel  
7. Gilmer WV  
8. 3.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01919  
2. 47-021-01741  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Morris No 3  
6. Glenville South  
7. Gilmer WV  
8. 19.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01920  
2. 47-021-01721  
3. 108 000 000  
4. Trio Petroleum Corp  
5. Morris No 2  
6. Glenville South  
7. Gilmer WV  
8. 1.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01921  
2. 47-085-23704  
3. 108 000 000  
4. Dennis D Blauser  
5. Hubert Rose #2  
6. Union  
7. Ritchie WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01922  
2. 47-085-23705  
3. 108 000 000  
4. Dennis D Blauser  
5. Paul Baker #2  
6. Union  
7. Ritchie WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01923  
2. 47-085-23710  
3. 108 000 000  
4. Dennis D Blauser  
5. Paul Baker #3  
6. Union  
7. Ritchie WV  
8. 12.0 million cubic feet  
9. October 10, 1979  
10. Carnegie Natural Gas Company  
1. 80-01924  
2. 47-039-01809  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #12  
6. Malden  
7. Kanawha WV  
8. 12.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01925  
2. 47-039-01796  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #11  
6. Malden

7. Kanawha WV  
8. 14.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01926  
2. 47-039-01717  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #8  
6. Elk  
7. Kanawha WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01927  
2. 47-039-01709  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #7  
6. Elk  
7. Kanawha WV  
8. 13.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01928  
2. 47-039-01699  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #6  
6. Elk  
7. Kanawha WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01929  
2. 47-039-01697  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #5  
6. Elk  
7. Kanawha WV  
8. 18.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01930  
2. 47-039-01680  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #3  
6. Malden  
7. Kanawha WV  
8. 10.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01931  
2. 47-039-01679  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Blue Creek Coal & Land #2  
6. Malden  
7. Kanawha WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01932  
2. 47-039-01742  
3. 108 000 000  
4. Blue Creek Gas Co  
5. Naylor #1  
6. Elk  
7. Kanawha WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01933

2. 47-039-01726  
 3. 108 000 000  
 4. Blue Creek Gas Co  
 5. Blue Creek Coal & Land #9  
 6. Elk  
 7. Kanawha WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01934  
 2. 47-039-01764  
 3. 108 000 000  
 4. Blue Creek Gas Co  
 5. Blue Creek Coal & Land #10  
 6. Elk  
 7. Kanawha WV  
 8. 14.0 million cubic feet  
 9. October 10, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01935  
 2. 47-039-01839  
 3. 108 000 000  
 4. Blue Creek Gas Co  
 5. Blue Creek Coal & Land #1A  
 6. Elk  
 7. Kanawha WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01936  
 2. 47-039-01860  
 3. 108 000 000  
 4. Blue Creek Gas Co  
 5. Workman #1  
 6. Elk  
 7. Kanawha WV  
 8. 3.5 million cubic feet  
 9. October 10, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-01937  
 2. 47-021-01840  
 3. 108 000 000  
 4. Trio Petroleum Corp  
 5. Groves No 3  
 6. Glenville South  
 7. Gilmer WV  
 8. 5.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01938  
 2. 47-021-01821  
 3. 108 000 000  
 4. Trio Petroleum Corp  
 5. Cottrill No 2  
 6. Glenville South  
 7. Gilmer S WV  
 8. 3.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidation Gas Supply Corp  
 1. 80-01939  
 2. 47-021-01806  
 3. 108 000 000  
 4. Trio Petroleum Corp  
 5. Cottrill No 1  
 6. Glenville South  
 7. Gilmer WV  
 8. 3.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01940  
 2. 47-021-01804  
 3. 108 000 000  
 4. Trio Petroleum Corp  
 5. Groves No 2  
 6. Glenville South

7. Gilmer WV  
 8. 3.2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01941  
 2. 47-021-02740  
 3. 108 000 000  
 4. Pace Pipe Line Company  
 5. Shiflett #1  
 6. Glenville  
 7. Gilmer WV  
 8. 8.7 million cubic feet  
 9. October 10, 1979  
 10. Carnegie Natural Gas Company  
 1. 80-01942  
 2. 47-021-02772  
 3. 108 000 000  
 4. Pace Pipe Lane Company  
 5. Collins #3  
 6. Glenville  
 7. Gilmer WV  
 8. 9.5 million cubic feet  
 9. October 10, 1979  
 10. Carnegie Natural Gas Company  
 1. 80-01943  
 2. 47-021-02773  
 3. 108 000 000  
 4. Pace Pipe Line Company  
 5. Wiant #1  
 6. Glenville  
 7. Gilmer WV  
 8. 3.0 million cubic feet  
 9. October 10, 1979  
 10. Carnegie Natural Gas Company  
 1. 80-01944  
 2. 47-047-20564  
 3. 108 000 000  
 4. Worldwide Oil & Gas Co  
 5. Lizzie Evans No 1  
 6. Sandy River District  
 7. McDowell WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corporation  
 1. 80-01945  
 2. 47-047-20574  
 3. 108 000 000  
 4. Worldwide Oil & Gas Co  
 5. Lizzie Evans No 3  
 6. Sandy River District  
 7. McDowell WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corporation  
 1. 80-01946  
 2. 47-047-20576  
 3. 108 000 000  
 4. Worldwide Oil & Gas Co  
 5. Lizzie Evans No 2  
 6. Sandy River District  
 7. McDowell WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corporation  
 1. 80-01947  
 2. 47-047-20580  
 3. 108 000 000  
 4. Worldwide Oil & Gas Co  
 5. Lizzie Evans No 4  
 6. Sandy River District  
 7. McDowell WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corporation  
 1. 80-01948

2. 47-085-21977  
 3. 108 000 000  
 4. Edith Swadley et al.  
 5. A W Goff #2  
 6. Union  
 7. Ritchie WV  
 8. 1.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01949  
 2. 47-047-20584  
 3. 108 000 000  
 4. Worldwide Oil & Gas Co  
 5. Lizzie Evans No 5  
 6. Sandy River District  
 7. McDowell WV  
 8. 12.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01950  
 2. 47-021-02826  
 3. 108 000 000  
 4. Trio Petroleum Corp  
 5. McQuain No 1  
 6. Glenville North  
 7. Gilmer WV  
 8. 8.0 million cubic feet  
 9. October 10, 1979  
 10. Carnegie Natural Gas Co  
 1. 80-01951  
 2. 47-085-02939  
 3. 108 000 000  
 4. C G G Oil Company  
 5. Conaway #2 Rit 2939  
 6. Conaway  
 7. Ritchie WV  
 8. 2.5 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01952  
 2. 47-085-03505  
 3. 108 000 000  
 4. C G G Oil Company  
 5. Conaway #3 Rit 3505  
 6. Conaway  
 7. Ritchie WV  
 8. 2.5 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-02045  
 2. 47-047-00387  
 3. 108 000 000  
 4. Fort Collins Consolidated Royalties  
 5. Litwar Red Ash #1  
 6. Sandy River  
 7. McDowell WV  
 8. 4.7 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-02046  
 2. 47-047-0018  
 3. 108 000 000  
 4. Fort Collins Consolidated Royalties  
 5. Vera Pora #4  
 6. Sandy River  
 7. McDowell WV  
 8. 11.3 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply  
 1. 80-02047  
 2. 47-047-00473  
 3. 108 000 000  
 4. Fort Collins Consolidated Royalties  
 5. George King #1 (18)  
 6. Sandy River

7. McDowell WV
8. 3.8 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02048
2. 47-047-00661
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Litwar Red Ash #700
6. Sandy River
7. McDowell WV
8. 12.9 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02049
2. 47-059-00765
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. H Arnold #1
6. Stafford
7. Mingo WV
8. 6.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02050
2. 47-011-00601
3. 108 000 000
4. Spartan Gas Company
5. Clyde Davis #1-S-201
6. Grant District
7. Cabell County WV
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02051
2. 47-047-00307
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Joe Roberts #1
6. Sandy River
7. McDowell WV
8. 10.3 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02052
2. 47-047-00352
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Jaeger Drilling #1
6. Sandy River
7. McDowell WV
8. 5.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02053
2. 47-047-00358
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Rose Morgan #1
6. Sandy River
7. McDowell WV
8. 10.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02054
2. 47-047-00365
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Vera Poca #1
6. Sandy River
7. McDowell WV
8. 14.3 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02055
2. 47-047-00369
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Lick Branch #1
6. Sandy River
7. McDowell WV
8. 2.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02056
2. 47-047-00378
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Vera Poca #2
6. Sandy River
7. McDowell WV
8. 4.0 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02057
2. 47-011-00607
3. 108 000 000
4. Spartan Gas Company
5. Carl Davis #1-S-202
6. Grant District
7. Cabell WV
8. 11.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02058
2. 47-105-00744
3. 103 000 000
4. Ray Resources Div of Flying Diamond
5. Hutchison Hrs #795
6. Reedy
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02059
2. 47-007-00742
3. 108 000 000
4. Apollo Petroleum Corp
5. Eva Barrett #2 (WX 20)
6. Salt Lick
7. Braxton WV
8. 14.3 million cubic feet
9. October 11, 1979
10. J C Baker & Sons Inc
1. 80-02060
2. 47-039-02521
3. 108 000 000
4. Apollo Petroleum Corp
5. James F Brown #331
6. Elk
7. Kanawha WV
8. 6.5 million cubic feet
9. October 11, 1979
10. Pennzoil United Inc
1. 80-02061
2. 47-097-01145
3. 108 000 000
4. Apollo Petroleum Corp
5. Wm Radabaugh #1
6. Union
7. Upshur WV
8. 2.7 million cubic feet
9. October 11, 1979
10. Petro-Lewis Corp
1. 80-02062
2. 47-097-01213
3. 108 000 000
4. Apollo Petroleum Corp
5. Radabaugh #184 (#2)
6. Union
7. Upshur WV
8. 3.0 million cubic feet
9. October 11, 1979
10. Petro-Lewis Corp
1. 80-02063
2. 47-017-01667
3. 108 000 000
4. Apollo Petroleum Corp
5. W A Davis #391
6. McClellan
7. Doddridge WV
8. 4.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02064
2. 47-105-00607
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Joe Parsons #658
6. Burning Springs
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02065
2. 47-105-00615
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. D P Ferree #643
6. Burning Springs
7. Wirt WV
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02066
2. 47-105-00620
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Denzil Ferree #645
6. Burning Springs
7. Wirt WV
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02067
2. 47-105-00622
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. D P Ferree #644
6. Burning Springs
7. Wirt WV
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02068
2. 47-105-00624
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Westvaco #659
6. Burning Springs
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02069
2. 47-105-00637
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. McConaughy #662
6. Burning Springs
7. Wirt WV
8. 12.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-02070

2. 47-105-00648  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. Diken #663  
 6. Burning Springs  
 7. Wirt WV  
 8. 12.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02071  
 2. 47-105-00664  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. Diken #664  
 6. Burning Springs  
 7. Wirt WV  
 8. 12.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02072  
 2. 47-106-00666  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. J W McCoy #619  
 6. Reedy  
 7. Wirt WV  
 8. .5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02073  
 2. 47-087-00607  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. G B Bullington #611  
 6. Reedy  
 7. Roane WV  
 8. .5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02074  
 2. 47-087-00617  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. E R Seaman #612  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02075  
 2. 47-087-00627  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. E R Seaman #614  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02076  
 2. 47-087-00693  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. T A Leadson #613  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02077  
 2. 47-087-01461  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. A Clayton Moore #1 (135)  
 6. Walton  
 7. Roane WV

8. 1.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02078  
 2. 47-105-00601  
 3. 108 000 000  
 4. Ray Resources Div of Flying Diamond  
 5. Joe Parsons #660  
 6. Burning Springs  
 7. Wirt WV  
 8. 1.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02079  
 2. 47-015-00706  
 3. 108 000 000 denied  
 4. W Howard Taylor Agent  
 5. Eakle #2 47-015-0706  
 6. Maysel  
 7. Clay WV  
 8. 23.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans Corp  
 1. 80-02080  
 2. 47-081-00241  
 3. 108 000 000  
 4. Peake Operating Company  
 5. Oglebay Norton No 94 Ral-241  
 6. Marsh Fork District  
 7. Raleigh WV  
 8. .2 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply Corporation  
 1. 80-02081  
 2. 47-087-00634  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. H A Price #615  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02082  
 2. 47-105-00525  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. C L Carson #609  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02083  
 2. 47-087-00519  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. Sam (Brook) Sheppard #608  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02084  
 2. 47-087-00531  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. T J Brown  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02085  
 2. 47-087-00518  
 3. 108 000 000

4. Ray Resources Div of Fdoc  
 5. T J Brown #607  
 6. Reedy  
 7. Roane WV  
 8. .6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Trans  
 1. 80-02086  
 2. 47-105-00542  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. M L Woburton #623  
 6. Burning Springs  
 7. Wirt WV  
 8. 5.1 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply  
 1. 80-02087  
 2. 47-105-00510  
 3. 108 000 000  
 4. Ray Resources Div of Fdoc  
 5. Roberts D #666  
 6. Burning Springs  
 7. Wirt WV  
 8. 4.7 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply  
 1. 80-02088  
 2. 47-085-21916  
 3. 108 000 000  
 4. Edith Swadley et al  
 5. A J Snyder #2  
 6. Union  
 7. Ritchie WV  
 8. 2.5 million cubic feet  
 9. October 11, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01819  
 2. 47-097-01185  
 3. 108  
 4. Allegheny Land & Mineral Co.  
 5. A-379  
 6. Washington District  
 7. Upshur, WA  
 8. 7.1 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp

#### Wyoming Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)  
 2. API well number  
 3. Section of NGPA  
 4. Operator  
 5. Well name  
 6. Field or OCS area name  
 7. County, State or Block No.  
 8. Estimated annual volume  
 9. Date received at Ferc  
 10. Purchaser(s)  
 1. 80-01961/NG42-79  
 2. 49-009-21439  
 3. 103 000 000  
 4. Exeter Exploration Company  
 5. Lebar #3  
 6. Mike's Draw  
 7. Converse WV  
 8. 36.0 million cubic feet  
 9. October 5, 1979  
 10. Phillips Petroleum Company

#### U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)  
 2. API well number  
 3. Section of NGPA



4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02268/G9-528
2. 17-710-40482-00S1-0
3. 102 000 000 denied
4. Forest Oil Corporation
5. Eugene Island Block 314 G-3
6. Eugene Island
7. 314
8. 33.0 million cubic feet
9. October 12, 1979

10. Columbia Gas Transmission Corp, Texas Gas Transmission Corp, Consolidated Gas Supply Corp
1. 80-02270/G8-117
2. 17-703-40135-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 No 4
6. East Cameron
7. 34
8. 513.0 million cubic feet
9. October 12, 1979

10. Natural Gas Pipeline Co of America, Northern Natural Gas Co, Columbia Gas Transmission, Southern Natural Gas Co
1. 80-02271/G8-122
2. 17-703-40091-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 No 1
6. East Cameron
7. 34
8. 513.0 million cubic feet
9. October 12, 1979

10. Natural Gas Pipeline Co of Amer, Northern Natural Gas Co, Columbia Gas Trans, Southern Natural Gas Co
1. 80-02272/G9-690
2. 17-725-40164-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-3197 #2
6. Main Pass
7. 120
8. 1862.0 million cubic feet
9. October 12, 1979

10. Southern Natural Gas Company
1. 80-02273/G9-578
2. 17-705-40290-01D-0
3. 102 000 000
4. Felmont Oil Corporation
5. OCS-0172 B-2-D (Form #12-D)
6. Vermilion
7. 86
8. 1600.0 million cubic feet
9. October 12, 1979

10. Transcontinental Gas Pipe Line
1. 80-02274/G9-347
2. 17-711-20046-01D2-0
3. 102 000 000
4. Placid Oil Company
5. A-32-D
6. Ship Shoal
7. 204
8. 25.0 million cubic feet
9. October 12, 1979

10. Michigan Wisconsin Pipe Line Co
1. 80-02276/G9-700
2. 17-707-40191-00S1-0
3. 102 000 000
4. Placid Oil Company
5. B-15
6. South Marsh Island
7. 269
8. 1642.5 million cubic feet
9. October 12, 1979

10. Trunkline Gas Company
1. 80-02277/G9-719
2. 17-706-40319-00D1-0
3. 102 000 000
4. CNG Producing Company
5. B-6-D1
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979

10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80-02278/G9-720
2. 17-706-40319-00D2-0
3. 102 000 000
4. CNG Producing Company
5. B-6D2
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979

10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80-02279/G9-717
2. 17-706-40301-00D1-0
3. 102 000 000
4. CNG Producing Company
5. B-3-D-1
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979

10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80-02280/G9-718
2. 17-706-40301-00D2-0
3. 102 000 000
4. CNG Producing Company
5. B-3-D2
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979

10. Consolidated Gas Supply Corp Consolidated Gas Supply Corp
1. 80-02281/G9-693
2. 17-707-40277-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-2316 #3-D
6. South March Island
7. 288
8. 71.0 million cubic feet
9. October 12, 1979

10. Natural Gas Pipeline Co of Amer
1. 80-02282/G9-688
2. 17-725-40132-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-3197 #1
6. Main Pass
7. 120
8. 1117.0 million cubic feet
9. October 12, 1979

10. Southern Natural Gas Co
1. 80-02269/G9-406
2. 42-711-40181-0000-0
3. 102 000 000 Denied
4. Cities Service Co
5. High Is Sa Blk A-332 #A-6
6. High Island So Addn
7. A-332
8. 25.0 million cubic feet
9. October 12, 1979

10. Michigan Wisconsin Pipe Line Co Panhandle Eastern Pipeline Co Natural Gas Pipeline Co of Amer Trunkline Gas Co; United Gas P/L
1. 80-02275/G8-271
2. 42-711-40290-00D1-0
3. 102 000 000
4. Sun Oil Company
5. OCS-G 2418 #A-18
6. East High Island
7. A-327
8. 600.0 million cubic feet
9. October 12, 1979

10. Trunkline Gas Company Michigan-Wisconsin Pipeline Co Natural Gas Pipeline Co of Amer Panhandle Eastern P/L; United Gas P/L
1. 80-02275/G8-271
2. 42-711-40290-00D1-0
3. 102 000 000
4. Sun Oil Company
5. OCS-G 2418 #A-18
6. East High Island
7. A-327
8. 600.0 million cubic feet
9. October 12, 1979

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02236/COA-2835-79
2. 05-067-05140-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 5
6. Ignacio Blanco Mesaverde
7. Laplata CO
8. 12.7 million cubic feet
9. October 12, 1979

10. El Paso Natural Gas Co
1. 80-02262/COA-2858-79
2. 05-067-05170-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 2
6. Ignacio Blanco Mesaverde
7. Laplata CO
8. 19.4 million cubic feet
9. October 12, 1979

10. El Paso Natural Gas Co
1. 80-02263/COA-2855-79
2. 05-067-05739-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 3
6. Ignacio Blanco Mesaverde
7. Laplata CO
8. 10.4 million cubic feet
9. October 12, 1979

10. El Paso Natural Gas Co
1. 80-02089/NM-2755-79
2. 30-039-06176-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech E 49
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 10.7 million cubic feet
9. October 11, 1979

## 10. Gas Company of New Mexico

1. 80-02090/NM-2756-79
2. 30-039-08697-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech E 81
6. South Blanco PC
7. Rio Arriba NM
8. 18.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02091/NM-2757-79
2. 30-039-08695-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech E 87
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 21.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02092/NM-2759-79
2. 30-039-06637-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech B 123
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 14.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02093/NM-2760-79
2. 30-039-06616-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech A 125
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02094/NM-2761-79
2. 30-039-06613-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech A 129
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 17.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02095/NM-2788-79
2. 30-039-06510-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech 221
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 12.1 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02096/NM-2792-79
2. 30-039-20912-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech 382
6. South Blanco Pc—Otero Chacra
7. Rio Arriba, NM
8. 18.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02097/NM-2793-79
2. 30-039-20913-0000-0
3. 108 000 000 denied

## 4. Caulkins Oil Company

5. Breech 368
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 21.7 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02098/NM-2796-79
2. 30-039-08428-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech D 345
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02111/NM2958-79
2. 30-025-25851-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry No. 48
6. Blinebry Oil & Gas
7. Lea, NM
8. 14.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Company
1. 80-02112/NM2959-79
2. 30-039-21795-0000-0
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 30 #11
6. West Lindrith
7. Rio Arriba, NM
8. 55.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02113/NM2960-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Stevens B #2
6. New Mexico Federal Unit
7. Lea, NM
8. 18.1 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas (C-4037)
1. 80-02114/NM2961-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache L #4
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02115/NM2963-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #6
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02116/NM2965-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #12
6. Axi Apache Area
7. Rio Arriba, NM
8. 3.9 million cubic feet

## 9. October 11, 1979

10. Gas Company of New Mexico
1. 80-02117/NM2966-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache A #7
6. Axi Apache Area
7. Rio Arriba, NM
8. 2.2 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02118/NM2967-79A
2. 30-025-25854-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry Bty 1 #51
6. Blinebry Oil & Gas
7. Lea, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Corp
1. 80-02119/NM2967-79B
2. 30-025-25854-0000-2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry Bty 1 #51
6. Warren Tubb
7. Lea, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Corp
1. 80-02120/NM2968-79
2. 30-039-20667-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache N #9
6. Axi Apache Area
7. Rio Arriba, NM
8. 15.9 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02121/NM2969-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache N #8
6. Axi Apache Area
7. Rio Arriba, NM
8. 13.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02122/NM2970-79
2. 30-039-21431-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache O No. 12
6. Axi Apache Area
7. Rio Arriba, NM
8. 162.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02123/NM2971-79
2. 30-039-21428-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache "O" #13
6. Axi Apache Area
7. Rio Arriba, NM
8. 29.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02124/NM2973-79
2. 30-025-25571-0000-0

3. 103 000 000
4. Continental Oil Company
5. Vaughan B-1 #7
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 20.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02125/NM2974-79A
2. 30-039-21590-0000-1
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #16 (Gallup)
6. West Lindrith
7. Rio Arriba, NM
8. 107.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02126/NM2974-79B
2. 30-039-21590-0000-2
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #16 (Dakota)
6. West Lindrith
7. Rio Arriba, NM
8. 107.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02127/NM2975-79
2. 30-039-20177-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #13
6. Axi Apache Area
7. Rio Arriba, NM
8. 13.4 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02128/NM2977-79-3
2. 30-039-21430-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache "O" #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02129/NM2977-79-8
2. 30-039-21430-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache O #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 11.5 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02130/NM2978-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache A #2
6. Axi Apache Area
7. Rio Arriba, NM
8. 16.5 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02131/NM2979-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 5.1 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02132/NM2980-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Eaves A #11
6. New Mexico Federal Unit
7. Lea, NM
8. 6.4 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas (C-26)
1. 80-02133/NM2981-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 8.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02134/NM2934-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sholes A #2
6. New Mexico Federal Unit
7. Lea, NM
8. 1.5 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas (C-26)
1. 80-02135/NM2936-79
2. 30-025-25642-0000-0
3. 103 000 000
4. Continental Oil Company
5. Marshall #8
6. Cruz
7. Lea, NM
8. 14.0 million cubic feet
9. October 11, 1979
10. Phillips Petroleum (C-511)
1. 80-02136/NM2937-79
2. 30-039-21503-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache D #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 35.0 million cubic feet
9. October 11, 1979
10. Southern Union Gathering Company
1. 80-02137/NM 2882-79B
2. 30-025-25852-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit-Blinbry No 49
6. Blinbry Oil & Gas
7. Lea NM
8. 50.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Co
1. 80-02138/NM-2940-79
2. 30-039-21506-0000-0
3. 103 000 000
4. Continental Oil Company
5. AXI Apache K #5A
6. AXI Apache Area
7. Rio Arriba NM
8. 74.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02139/NM-2941-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #9
6. AXI Apache Area
7. Rio Arriba NM
8. 6.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02140/NM-2942-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache C #1
6. AXI Apache Area
7. Rio Arriba NM
8. 2.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02141/NM-2943-79
2. 30-025-25587-0000-0
3. 103 000 000
4. Continental Oil Company
5. Vaughan B-1 #8
6. Langlie Mattix Seven Rivers Queen
7. Lea NM
8. 12.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02142/NM-2944-79
2. 30-025-26032-0000-0
3. 103 000 000
4. Continental Oil Company
5. Semu Warren No 99
6. Warren Blinbry West
7. Lea NM
8. 1.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum (131)
1. 80-02143/NM-2945-79
2. 30-039-21217-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache O #9
6. AXI Apache Area
7. Rio Arriba NM
8. 15.9 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02144/NM-2946-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache A No 1
6. AXI Apache Area
7. Rio Arriba NM
8. .0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02145/NM-2951-79
2. 30-039-21589-0000-0
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 30 #7
6. West Lindrith
7. Rio Arriba NM
8. 165.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02146/NM-2953-79
2. 30-025-25488-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb #45
6. Warren Tubb (Oil)

7. Lea NM
8. 113.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum
1. 80-02147/NM-2955-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sholes B-25 #2
6. New Mexico Federal Unit
7. Lea NM
8. .9 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas (C-26)
1. 80-02148/NM-2956-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Warren Unit Blinbry #16
6. New Mexico Federal Unit
7. Lea NM
8. 8.8 million cubic feet
9. October 11, 1979
10. Getty Oil Co (C-112)
1. 80-02149/NM-2763-79A
2. 30-039-21528-0000-1
3. 103 000 000
4. Caulkins Oil Company
5. Breech A 675 (S Blanco PG)
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 99.5 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02150/NM-2763-79B
2. 30-039-21528-0000-2
3. 103 000 000
4. Caulkins Oil Company
5. Breech A 675 (Otero Chacra)
6. Otero Chacra
7. Rio Arriba NM
8. 99.5 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02151/NM-2884-79A
2. 30-039-21335-0000-1
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #15 (Gallup)
6. West Lindrith Gallup
7. Rio Arriba NM
8. 69.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02152/NM-2884-79B
2. 30-039-21335-0000-2
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #15 (Dakota)
6. West Lindrith Dakota
7. Rio Arriba NM
8. 69.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02153/NM-2888-79A
2. 30-039-21428-0000-1
3. 103 000 000
4. Continental Oil Company
5. AXI Apache N #13 (PC)
6. AXI Apache Area
7. Rio Arriba NM
8. 32.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02154/NM-2888-79B
2. 30-039-21428-0000-2
3. 103 000 000
4. Continental Oil Company
5. AXI Apache N #13 (MV)
6. AXI Apache Area
7. Rio Arriba NM
8. 12.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02155/NM-2908-79
2. 30-025-25562-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 46
6. Warren Tubb Oil
7. Lea NM
8. 62.0 million cubic feet
9. October 12, 1979
10. Warren Petroleum
1. 80-02156/NM-2910-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Hawk B-10 #7
6. New Mexico Federal Unit
7. Lea NM
8. 13.0 million cubic feet
9. October 12, 1979
10. Getty Oil Co (C-112)
1. 80-02157/NM-2911-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache J #8
6. AXI Apache Area
7. Rio Arriba NM
8. 4.2 million cubic feet
9. October 12, 1977
10. Gas Company of New Mexico (C-4787)
1. 80-02158/NM-2912-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. N El Mar Unit #23
6. El Mar
7. Lea NM
8. .1 million cubic feet
9. October 12, 1979
10. Phillips Petroleum (C-638)
1. 80-02159/NM-2914-89
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache C No 7
6. AXI Apache Field
7. Rio Arriba NM
8. 5.4 million cubic feet
9. October 12, 1977
10. Gas Company of New Mexico (C-4787)
1. 80-02160/NM-2915-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache M #3
6. AXI Apache Area
7. Rio Arriba NM
8. 4.2 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02161/NM-2916-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache P #1
6. AXI Apache Area
7. Rio Arriba NM
8. 11.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02162/NM-2917-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. North El Mar #40
6. El Mar
7. Lea NM
8. 1.9 million cubic feet
9. October 12, 1979
10. Phillips Petroleum Co (C-638)
1. 80-02163/NM-2918-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache N #5
6. AXI Apache Area
7. Rio Arriba NM
8. 4.7 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02164/NM-2919-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache D #2
6. AXI Apache Area
7. Rio Arriba NM
8. 13.7 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02165/NM-2921-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache L #2
6. AXI Apache Area
7. Rio Arriba NM
8. 7.2 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02166/NM-2923-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #6
6. AXI Apache Area
7. Rio Arriba NM
8. 6.7 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02167/NM-2924-79
2. 30-039-21347-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache D #4
6. Axi Apache Area
7. Rio Arriba NM
8. 35.0 million cubic feet
9. October 11, 1979
10. Southern Union Gathering Company
1. 80-02168/NM-2925-79A
2. 30-039-21436-0000-1
3. 103 000 000
4. Continental Oil Company
5. Axi Apache N #12 (MV)
6. Axi Apache Area
7. Rio Arriba NM
8. 65.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02169/NM-2925-79B

2. 30-039-21436-0000-2
3. 103 000 000
4. Continental Oil Company
5. Axi Apache N #12 (PG)
6. Axi Apache Area
7. Rio Arriba NM
8. 44.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02170/NM-2926-79
2. 30-039-21586-0000-0
3. 103 000 000
4. Continental Oil Company
5. Conoco 29-4 #10
6. East San Juan
7. Rio Arriba NM
8. 37.0 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Company
1. 80-02171/NM-2927-79A
2. 30-025-25828-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit-Blaineby No 47
6. Blaineby Oil & Gas
7. Lea NM
8. 16.0 million cubic feet
9. October 12, 1979
10. Warren Petroleum Company
1. 80-02172/NM-2928-79
2. 30-025-25511-0000-0
3. 103 000 000
4. Continental Oil Company
5. Wells B-1 #4
6. Jalmat Yates Gas
7. Lea NM
8. 133.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02173/NM-2930-79
2. 30-025-25849-0000-0
3. 103 000 000
4. Continental Oil Company
5. MCA Unit #357
6. Baish-Majamar-Pearsall
7. Lea NM
8. 3.0 million cubic feet
9. October 11, 1979
10. Transwestern (C-7759)
1. 80-02174/NM-2932-79
2. 30-025-25488-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit-Blaineby BTY No 45
6. Blaineby Oil & Gas
7. Lea NM
8. 42.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Company (131)
1. 80-02175/NM-2933-79
2. 30-039-21544-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache J No 28
6. Axi Apache Area
7. Rio Arriba NM
8. 47.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02176/NM-2840-79
2. 30-045-05956-0000-0
3. 108 000 000
4. Getty Oil Company
5. J W Goddard No 9
6. South Gallegos
7. San Juan NM
8. 2.3 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co.
1. 80-02177/NM-2851-79
2. 30-039-05818-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 25
6. Otero Gallup
7. Rio Arriba NM
8. 6.9 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02178/NM-2850-79
2. 30-039-21068-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 27
6. Basin Dakota
7. Rio Arriba NM
8. 15.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02179/NM-2844-79
2. 30-045-06452-0000-0
3. 108 000 000
4. Getty Oil Company
5. John Charles No 4
6. Blanco P Cliffs S
7. San Juan NM
8. 16.3 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co.
1. 80-02180/NM-2802-79
2. 30-039-05825-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 10
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 4.2 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp
1. 80-02181/NM-2839-79
2. 30-045-06608-0000-0
3. 108 000 000
4. Getty Oil Company
5. Nellie Platero No 2
6. Blanco P Cliffs S
7. San Juan NM
8. 10.8 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co.
1. 80-02182/NM-2681-79
2. 30-045-10368-0000-0
3. 108 000 000
4. Consolidated Oil & Gas Inc.
5. Hale-Adobe #1-28
6. Basin Dakota
7. San Juan NM
8. 14.6 million cubic feet
9. October 12, 1979
10. Southern Union Gas Company
1. 80-02183/NM-2801-79
2. 30-039-05774-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 8
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 4.8 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp
1. 80-02184/NM-2800-79
2. 30-039-05830-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 11
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 3.1 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp
1. 80-02185/NM-2799-79
2. 30-039-05745-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 5
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 11.4 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp
1. 80-02186/NM-2890-79
2. 30-039-21349-0000-0
3. 103 000 000
4. Continental Oil Company
5. AXI Apache J #27
6. AXI Apache Area
7. Rio Arriba NM
8. 28.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02187/NM-2797-79
2. 30-039-06442-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech 310
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.9 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02188/NM-2795-79
2. 30-039-06465-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech C 328
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02189/NM-2794-79
2. 30-039-06443-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech 312
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 13.1 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02190/NM-2791-79
2. 30-039-06697-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech E 581
6. Otero Chacra
7. Rio Arriba NM
8. 6.3 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02191/NM-2790-79
2. 30-039-06636-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech A 629
6. Undesignated Gallup

7. Rio Arriba NM  
 8. 15.2 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02192/NM-2789-79  
 2. 30-039-08505-0000-0  
 3. 108 000 000  
 4. Caulkins Oil Company  
 5. Breech B 220  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 5.6 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02193/NM-2769-79  
 2. 30-039-21534-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech D 346  
 6. Basin Dakota  
 7. Rio Arriba NM  
 8. 112.1 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02194/NM-2768-79A  
 2. 30-039-21362-0000-1  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech D 358 (S Blanco PC)  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 44.7 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02195/NM-2768-79B  
 2. 30-039-21362-0000-2  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech D 358 (Otero Chacra)  
 6. Otero Chacra  
 7. Rio Arriba NM  
 8. 44.7 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02196/NM-2798-79A  
 2. 30-039-21533-0000-1  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech 228 (Blanco MV)  
 6. Blanco Mesa Verde  
 7. Rio Arriba NM  
 8. 15.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02197/NM-2798-79B  
 2. 30-039-21533-0000-2  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech 228 (Otero Chacra)  
 6. Otero Chacra  
 7. Rio Arriba NM  
 8. 12.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02198/NM-2798-79C  
 2. 30-039-21533-0000-3  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech 228 (S Blanco PC)  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 25.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02199/NM-2798-79D

2. 30-039-21533-0000-4  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech 228 (Basin Dakota)  
 6. Basin Dakota  
 7. Rio Arriba NM  
 8. 84.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02200/NM-2893-79A  
 2. 30-039-21427-0000-1  
 3. 103 000 000  
 4. Continental Oil Company  
 5. AXI Apache N #14 (PC)  
 6. AXI Apache Area  
 7. Rio Arriba NM  
 8. 3.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico (C-4787)  
 1. 80-02201/NM-2893-79B  
 2. 30-039-21427-0000-2  
 3. 103 000 000  
 4. Continental Oil Company  
 5. AXI Apache N #14 (MV)  
 6. AXI Apache Area  
 7. Rio Arriba NM  
 8. 83.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02202/NM-2891-79  
 2. 30-025-00000-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. Eaves A #4  
 6. New Mexico Federal Unit  
 7. Lea NM  
 8. 1.1 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas (C-26)  
 1. 80-02203/NM-2889-79  
 2. 30-025-23811-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. Eaves B-1 #13  
 6. New Mexico Federal Unit  
 7. Lea NM  
 8. 1.3 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas (C-26)  
 1. 80-02204/NM-2887-79  
 2. 30-039-00000-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. AXI Apache M #4  
 6. AXI Apache Area  
 7. Rio Arriba NM  
 8. 3.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico (C-4787)  
 1. 80-02205/NM-2886-79  
 2. 30-015-22738-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Federal 34 #1  
 6. Spring  
 7. Eddy NM  
 8. 720.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02206/NM-2883-79  
 2. 30-039-21669-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Jicarilla 20 #6  
 6. West Lindrith

7. Rio Arriba NM  
 8. 34.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02207/NM-2882-79  
 2. 30-025-25852-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Warren Unit Tubb #49  
 6. Warren Tubb (Oil)  
 7. Lea NM  
 8. 9.0 million cubic feet  
 9. October 12, 1979  
 10. Warren Petroleum  
 1. 80-02208/NM-2881-79  
 2. 30-025-25586-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Vaughan A-12 #2  
 6. Langlie Mattix Seven Rivers Queen  
 7. Lea NM  
 8. .0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02209/NM-2880-79  
 2. 30-025-25851-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Warren Unit Tubb #48  
 6. Warren Tubb Oil  
 7. Lea NM  
 8. 15.0 million cubic feet  
 9. October 12, 1979  
 10. Warren Petroleum Company  
 1. 80-02210/NM-2878-79  
 2. 30-039-21607-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Jicarilla 30 #8  
 6. West Lindrith  
 7. Rio Arriba NM  
 8. 16.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas (C-8285)  
 1. 80-02211/NM-2875-79  
 2. 30-039-21608-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Jicarilla 30 #9  
 6. West Lindrith  
 7. Rio Arriba NM  
 8. 14.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas (C-8285)  
 1. 80-02212/NM-2873-79  
 2. 30-0039-00000-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. AXI Apache A #9  
 6. AXI Apache Area  
 7. Rio Arriba NM  
 8. 9.3 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico (C-4787)  
 1. 80-02213/NM-2871-79  
 2. 30-025-25850-0000-0  
 3. 103 000 000  
 4. Continental Oil Company  
 5. Warren Unit Blinbry Battery 1 #50  
 6. Blinbry Oil & Gas  
 7. Lea NM  
 8. 5.0 million cubic feet  
 9. October 12, 1979  
 10. Warren Petroleum  
 1. 80-02214/NM-2870-79

2. 30-025-00000-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. hawk B-3 #19  
 6. New Mexico Federal Unit  
 7. Lea NM  
 8. 12.9 million cubic feet  
 9. October 12, 1979  
 10. Getty Oil Co (C-112)  
 1. 80-02215/NM-2838-79  
 2. 30-045-05550-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Marshall A No 1  
 6. Blanco P Cliffs S  
 7. San Juan NM  
 8. 6.1 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02216/NM-2843-79  
 2. 30-039-05987-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. C W Roberts No 2  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 7.6 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02217/NM-2842-79  
 2. 30-045-05937-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. J W Goddard No 3  
 6. South Gallegos  
 7. San Juan NM  
 8. 5.9 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02218/NM-2841-79  
 2. 30-045-05930-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Navajo L No 1  
 6. South Gallegos  
 7. San Juan NM  
 8. 11.7 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02219/NM-2824-79  
 2. 30-039-05291-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Anderson A No 3  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 5.1 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02220/NM-2810-79  
 2. 30-039-05815-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla C No 5  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 3.7 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02221/NM-2809-79  
 2. 30-039-05683-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 3  
 6. Basin Dakota

7. Rio Arriba NM  
 8. 6.5 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02222/NM-2808-79  
 2. 30-039-05635-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 1  
 6. Ballard Pictured Cliffs  
 7. Rio Arriba County NM  
 8. 9.2 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02223/NM-2807-79  
 2. 30-039-05766-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 6  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. .3 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02224/NM-2806-79  
 2. 30-039-05776-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 1  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 4.1 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02225/NM-2805-79  
 2. 30-039-05829-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 7  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 5.1 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02226/NM-2803-79  
 2. 30-039-05687-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 2  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 12.1 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02227/NM-2804-79  
 2. 30-039-05775-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 9  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 4.4 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02228/NM-2829-79  
 2. 30-039-06024-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. C W Roberts No 1  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 9.0 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02229/NM-2828-79

2. 30-045-06538-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Marshall A No 4  
 6. Blanco P Cliffs S  
 7. San Juan NM  
 8. 6.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02230/NM-2827-79  
 2. 30-039-05961-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. V R Nordhaus No 1  
 6. Ballard PC  
 7. Rio Arriba NM  
 8. 12.6 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02231/NM-2826-79  
 2. 30-039-06577-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Campbell Com #1 No 1  
 6. Basin Dakota  
 7. San Juan NM  
 8. 9.8 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02232/NM-2833-79  
 2. 30-039-05741-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 8  
 6. Otero Gallup  
 7. Rio Arriba NM  
 8. 7.2 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02233/NM-2825-79  
 2. 30-039-05324-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Anderson A No 1  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 9.8 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02234/NM-2837-79  
 2. 30-039-05879-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Lydia Rentz No 5  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 9.3 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02235/NM-2836-79  
 2. 30-039-05688-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 3  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 18.5 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02237/NM-2834-79  
 2. 30-039-05725-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 2  
 6. Otero Gallup

7. Rio Arriba NM  
 8. 6.7 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02238/NM-2832-79  
 2. 30-039-05707-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 10  
 6. Otero Gallup  
 7. Rio Arriba NM  
 8. 10.7 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02239/NM-2831-79  
 2. 30-039-05682-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 11  
 6. Otero Gallup  
 7. Rio Arriba NM  
 8. 2.1 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02240/NM-2830-79  
 2. 30-039-05739-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 4  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 11.4 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02241/NM-2765-79  
 2. 30-039-21539-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech D 640  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 96.9 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02242/NM-2764-79  
 2. 30-039-21530-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech C 644  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 74.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02243/NM-2758-79  
 2. 30-039-60010-0000-0  
 3. 108 000 000  
 4. Caulkins Oil Company  
 5. Breech E 102  
 6. Undesignated Gallup  
 7. Rio Arriba NM  
 8. 5.9 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02244/NM-2819-79  
 2. 30-045-06554-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Marshall A No 2  
 6. Blanco P Cliffs S  
 7. San Juan NM  
 8. 14.3 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02245/NM-2869-79

2. 30-039-05765-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 21  
 6. Basin Dakota  
 7. Rio Arriba NM  
 8. 7.8 million cubic feet  
 9. October 11, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02246/NM-2557-79  
 2. 30-039-21713-0000-0  
 3. 103 000 000  
 4. Odessa Natural Corporation  
 5. Jicarilla JV PC 109  
 6. Ballard Pictured Cliffs  
 7. Rio Arriba NM  
 8. 32.9 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02247/NM-2555-79  
 2. 30-039-21536-0000-0  
 3. 103 000 000  
 4. Odessa Natural Corporation  
 5. Little Federal No 32-2  
 6. Chacon Dakota  
 7. Rio Arriba NM  
 8. 377.8 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02248/NM-2766-79  
 2. 30-039-21352-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech E 558  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 27.9 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02249/NM-2846-79  
 2. 30-039-05857-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla C No 14  
 6. Otero Chacra  
 7. Rio Arriba NM  
 8. 17.1 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Company  
 1. 80-02250/NM-2849-79  
 2. 30-039-05740-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 12  
 6. Otero Gallup  
 7. Rio Arriba NM  
 8. 8.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas  
 1. 80-02251/NM-2848-79  
 2. 30-039-05762-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla C No 12  
 6. Blanco P Cliffs S & Otero Chacra  
 7. Rio Arriba NM  
 8. 2.5 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02252/NM-2847-79  
 2. 30-039-05767-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla C No 13  
 6. Blanco P Cliffs S and Otero Chacra

7. Rio Arriba NM  
 8. 6.6 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02253/NM-2852-79  
 2. 30-045-06637-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Nellie Platero No 3  
 6. Blanco P Cliffs S  
 7. San Juan NM  
 8. 3.9 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02254/NM-2854-79  
 2. 30-039-05820-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. L L McConnell No 12  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 5.4 million cubic feet  
 9. October 12, 1979  
 10. Northwest Pipeline Corp  
 1. 80-02255/NM-2867-79-A  
 2. 30-045-23116-0000-01  
 3. 108 000 000  
 4. Getty Oil Company  
 5. B M Houck No 1-L  
 6. Undesignated MV  
 7. San Juan NM  
 8. 60.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02256/NM-2867-79-B  
 2. 30-045-23116-0000-0-2  
 3. 103 000 000  
 4. Getty Oil Company  
 5. B M Houck No 1-U  
 6. Bloomfield Chacra  
 7. San Juan NM  
 8. 36.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02257/NM-2859-79  
 2. 30-045-22673-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. John Charles No 7-A  
 6. Blanco Mesaverde  
 7. San Juan NM  
 8. 85.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02258/NM-2860-79  
 2. 30-045-22672-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Nellie Platero No 5-A  
 6. Blanco Mesaverde  
 7. San Juan NM  
 8. 71.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02259/NM-2861-79  
 2. 30-045-22678-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Marshall A No 6-A  
 6. Blanco Mesaverde  
 7. San Juan NM  
 8. 67.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02260/NM-I,LI-M.



2. 30-045-22660-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. John Charles No 6-A  
 6. Blanco Mesaverde  
 7. San Juan NM  
 8. 71.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02261/NM-2863-79  
 2. 30-045-22679-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Marshall-Gentle No 1-A  
 6. Blanco Mesaverde  
 7. San Juan NM  
 8. 81.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02264/NM-2853-79  
 2. 30-039-05876-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Lydia Rentz No 1  
 6. Blanco P Cliffs S  
 7. Rio Arriba NM  
 8. 7.4 million cubic feet  
 9. October 12, 1979  
 10. Northeast Pipeline Corp  
 1. 80-02265/NM-2865-79  
 2. 30-045-23130-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Bunce A No 1-L  
 6. Undesignated MV  
 7. San Juan NM  
 8. 60.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02266/NM-2865-79-B  
 2. 30-045-23130-0000-2  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Bunce A No 1 U  
 6. Bloomfield Chacra  
 7. San Juan NM  
 8. 36.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02267/NM 2857-79  
 2. 30-039-21111-0000-0  
 3. 103 000 000  
 4. Getty Oil Company  
 5. Jicarilla B No 24  
 6. Basin Dakota  
 7. Rio Arriba NM  
 8. 16.3 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02289/NM 2762-79  
 2. 30-039-21531-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech C 744  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 105.8 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02290/NM-2892-79  
 2. 30-025-00000-0000-0  
 3. 108 000 000  
 4. Continental Oil Company  
 5. Eaves B-1 #12  
 6. New Mexico Federal Unit

7. Lea NM  
 8. 1.4 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02291/NM-2767-79  
 2. 30-039-21365-0000-0  
 3. 103 000 000  
 4. Caulkins Oil Company  
 5. Breech F 545  
 6. South Blanco Pictured Cliffs  
 7. Rio Arriba NM  
 8. 47.0 million cubic feet  
 9. October 12, 1979  
 10. Gas Company of New Mexico  
 1. 80-02292/NM-2858-79  
 2. 30-039-05806-0000-0  
 3. 108 000 000  
 4. Getty Oil Company  
 5. Jicarilla C No 11  
 6. Blanco P Cliffs S & Otero Chacra  
 7. Rio Arriba NM  
 8. 30.0 million cubic feet  
 9. October 12, 1979  
 10. El Paso Natural Gas Co  
 1. 80-02293/NM-2864-79  
 2. 30-045-22574-0000-0  
 3. 103  
 4. Getty Oil Company  
 5. Mexico—Federal B #1-AU  
 6. Aztec—Fruitland  
 7. San Juan NM  
 8. 13.2 million cubic feet  
 9. October 12, 1979  
 10. Southern Union Gathering Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission November 23, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,  
 Secretary.

[FR Doc. 79-34365 Filed 11-6-79; 8:45 am]  
 BILLING CODE 6450-01-M

[Docket No. CP80-1]

**Lone Star Gas Co., a Division of Enserch Corp.; Application**

October 22, 1979.

Take notice that on October 1, 1979, Lone Star Gas Company, a Division of ENSERCH CORPORATION (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP80-1 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(e)

of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during the calendar year 1980, direct sale service and facilities no longer required for deliveries of natural gas to Lone Star's customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Lone Star's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating and related facilities.<sup>1</sup>

The application indicates that Lone Star would not abandon any direct service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes

<sup>1</sup> Lone Star states that it would abandon service and facilities only when deliveries to any one direct sale customer would not exceed 100,000 Mcf of natural gas during the last year of service.

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34366 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP80-5]

**Lone Star Gathering Co., Application**

October 22, 1979.

Take notice that on October 1, 1979, Lone Star Gathering Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP80-5 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1980, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material changes in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$100,000, which cost Applicant would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34367 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[No. 106]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals,  
Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02652/574
2. 16-195-02319-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #34-022100
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02653/575
2. 16-195-02320-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #35-022230
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet

9. October 11, 1979

10. Columbia Gas Transmission Inc
1. 80-02654/576
2. 16-195-02926-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #39-024080
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02655/577
2. 16-195-03057-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #42-024700
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02656/578
2. 16-195-03530-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #44-025450
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02657/579
2. 16-195-03965-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #46-026000
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02658/580
2. 16-195-03967-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #47-026010
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02659/581
2. 16-195-03171-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky-West Virginia Gas Co #1
6. Eastern Kentucky Gas
7. Pike, KY
8. 12.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02660/582
2. 16-195-00392-W
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky-West VA Gas Co #2-01147
6. Eastern Kentucky Gas
7. Pike, KY
8. 5.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02661/583
2. 16-195-02510-EL

3. 108 000 000  
4. Ashland Exploration Inc  
5. Ratliff Silas W #1-023430  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02662/584  
2. 16-195-03745-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Sparks Siddle C #1-025760  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02663/585  
2. 16-195-00769-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Polley DC #1-008100  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 21.9 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02664/586  
2. 16-195-00853-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Wells WS #1-008650  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 13.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02665/587  
2. 16-195-00816-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ford John Heirs #1-301250  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02666/588  
2. 16-195-03048-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ford John Heirs #3-010420  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02667/589  
2. 16-195-03243-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ford John Heirs #4-010950  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02668/590  
2. 16-195-02020-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Harper John H #1-009700  
6. Eastern Kentucky Gas  
7. Pike, KY

8. 17.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02669/591  
2. 16-195-02018-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Auxier Ben H #1-009710  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02670/592  
2. 16-195-03178-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mason Coal & Coke #3-010900  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 19.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02671/593  
2. 16-195-00426-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. So Shelby Land Co #1-006570  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02672/594  
2. 16-195-00502-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. So Shelby Land Co #2-006740  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02673/595  
2. 16-195-00750-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. So Shelby Land Co #2-007970  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02674/596  
2. 16-195-00855-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. So Shelby Land Co #4-008680  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02675/597  
2. 16-195-03131-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. So Shelby Land Co #5-010290  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02676/598

2. 16-195-00927-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Campbell A D #1-008940  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.9 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02677/599  
2. 16-195-00899-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Bevins Edward #1-008880  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 12.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02678/600  
2. 16-195-03725-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mason Coal & Coke #5-012910  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 5.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02679/601  
2. 16-195-03795-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mason Coal & Coke #6-013590  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 5.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02680/602  
2. 16-195-03949  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mason Coal & Coke #7-013650  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 5.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02681/603  
2. 16-195-03950-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mason Coal & Coke #8-013090  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 5.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02682/604  
2. 16-195-05027  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Justice Zach #1-011770  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 9.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02683/605  
2. 16-195-03597-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Justice Zach #2-012200  
6. Eastern Kentucky Gas

7. Pike Ky  
8. 9.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02684/608  
2. 16-071-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weeb T J #2-002800  
6. Eastern Kentucky Gas  
7. Floyd Ky  
8. 7.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02685/607  
2. 16-071-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Webb T J #4-002950  
6. Eastern Kentucky Gas  
7. Floyd Ky  
8. 7.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02686/608  
2. 16-119-03953-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #3-013680  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 5.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02687/609  
2. 16-119-03931-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #4-014010  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 5.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02688/610  
2. 16-119-04039-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #7-014250  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 5.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02689/611  
2. 16-119-04049-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #8-014300  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 5.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02690/612  
2. 16-119-04134-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #11-014480  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 5.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02691/613

2. 16-119-00065-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #20-016320  
6. Eastern Kentucky Gas  
7. Knott Ky  
8. 1.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02692/614  
2. 16-025-00138-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Evans E J #21-016520  
6. Eastern Kentucky Gas  
7. Breathitt Ky  
8. 1.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02693/615  
2. 16-195-03353-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Scott Roscoe #2-011390  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 3.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02694/616  
2. 16-195-00338-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cassidy Edith #1-017210  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. .6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02695/617  
2. 16-195-00631-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cassidy Edith #2-018200  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. .6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02696/618  
2. 16-195-00777-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cassidy Edith #3-018850  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 3.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02697/619  
2. 16-195-00331-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cline J P #1-006010  
6. Eastern Kentucky Gas  
7. Pike Ky  
8. 10.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02698/500  
2. 16-159-00283-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Fannin David #1-005620  
6. Eastern Kentucky Gas

7. Martin Ky  
8. 4.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02699/501  
2. 16-159-00312-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Fannin David #2-005940  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 4.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02700/502  
2. 16-159-00347-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Fannin David #3-006140  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 4.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02701/503  
2. 16-159-00494-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Fannin David #4-006770  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 4.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02702/504  
2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Kirk & Maynard #1-007000  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 11.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02703/505  
2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Simpson Edith S #1-006330  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 1.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02704/506  
2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Simpson Edith S #2-006340  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 1.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02705/507  
2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Simpson Edith S #3-006350  
6. Eastern Kentucky Gas  
7. Martin Ky  
8. 1.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02706/508

2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Simpson Edith S #4-006360  
6. Eastern Kentucky Gas  
7. Martin KY  
8. 1.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc.  
1. 80-02707/509  
2. 16-159-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Simpson Edith S #5-006370  
6. Eastern Kentucky Gas  
7. Martin KY  
8. 1.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02708/466  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #8-003830  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02709/467  
2. 16-195-00146-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Sword L B #1-005080  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 5.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02710/468  
2. 16-195-00183  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #19-004650  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 12.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02711/469  
2. 16-195-01015-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #29-009510  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 12.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02712/470  
2. 16-195-00585-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #26-007090  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 9.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02713/471  
2. 16-195-00890-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #27-008860  
6. Eastern Kentucky Gas

7. Pike KY  
8. 9.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02714/472  
2. 16-195-00492-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cassady J W #4-006900  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 21.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02715/473  
2. 16-195-00504-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Adkins L G #1-006890  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 9.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02716/474  
2. 16-195-00787-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ford Charles Heirs #1-008230  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 6.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02717/475  
2. 16-195-03049-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ford Charles Heirs #2-010460  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 6.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02718/476  
2. 16-195-02019-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Steele Wm #1 009720  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 22.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02719/477  
2. 16-195-03719-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #47 012790  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 6.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02720/478  
2. 16-195-03952-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #48 013600  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 6.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02721/479

2. 16-195-00338-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #49 017170  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 6.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02722/480  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Republic Steel Corp #54 050330  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 11.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02723/481  
2. 16-195-00608-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Romans Carrie #1 027050  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 14.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02724/482  
2. 16-195-00918-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #57 026790  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 10.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02725/483  
2. 16-195-00095-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #58 027740  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 8.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02726/484  
2. 16-195-13454  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #59 040530  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 15.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02727/485  
2. 16-195-19112  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #61 048410  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 15.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02728/486  
2. 16-119-31655  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Kycoga Land Co #20-074971  
6. Eastern Kentucky Gas

7. Knott KY
8. 2.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02729/487
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Sexton D M #1-002370
6. Eastern Kentucky Gas
7. Floyd KY
8. 12.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02730/488
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Allen M V #1-002580
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02731/489
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Osborne E B #1-002460
6. Eastern Kentucky Gas
7. Floyd KY
8. 13.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02732/490
2. 16-195-21392
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #62-049650
6. Eastern Kentucky Gas
7. Pike KY
8. 8.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02733/491
2. 16-195-22530
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #63-050040
6. Eastern Kentucky Gas
7. Pike KY
8. 5.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02734/492
2. 16-195-24975
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #64-050270
6. Eastern Kentucky Gas
7. Pike KY
8. 11.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02735/493
2. 16-195-24999
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #65-050280
6. Eastern Kentucky Gas
7. Pike KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02736/494
2. 16-195-25129
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #66-050300
6. Eastern Kentucky Gas
7. Pike KY
8. 7.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02737/495
2. 16-195-25640
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #67-050390
6. Eastern Kentucky Gas
7. Pike KY
8. 13.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02738/496
2. 16-195-25641
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #68-050400
6. Eastern Kentucky Gas
7. Pike KY
8. 13.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02739/497
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Martin Essie #1-002690
6. Eastern Kentucky Gas
7. Floyd KY
8. 1.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02740/498
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Allen Susan #1-003220
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02741/499
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Allen J H #1-002730
6. Eastern Kentucky Gas
7. Floyd KY
8. 11.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02742/510
2. 16-159-00371-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kirk Arthur #1-006200
6. Eastern Kentucky Gas
7. Martin KY
8. 2.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02743/511
2. 16-159-00381-E
3. 108 000 000
4. Ashland Exploration Inc
5. Stafford Etta #1-006250
6. Eastern Kentucky Gas
7. Martin KY
8. 4.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02744/512
2. 16-159-00411-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cassell J M #1-006510
6. Eastern Kentucky Gas
7. Martin KY
8. 2.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02745/513
2. 16-159-00493-E
3. 108 000 000
4. Ashland Exploration Inc
5. Stewart J W M #2-006720
6. Eastern Kentucky Gas
7. Martin KY
8. 8.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02746/514
2. 16-071-00211-E
3. 108 000 000
4. Ashland Exploration Inc
5. Williamson Thurza B #1-005370
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02747/515
2. 16-071-00262-E
3. 108 000 000
4. Ashland Exploration Inc
5. Williamson Thurza B #2-005470
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02748/516
2. 16-071-00617-E
3. 108 000 000
4. Ashland Exploration Inc
5. Williamson Thurza B #4-007320
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02749/517
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #1-003210
6. Eastern Kentucky Gas
7. Knott KY
8. 3.7 million cubic feet
9. October 11, 1979
10. Inland Gas Co Inc
1. 80-02750/518
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bobs Branch Unit-155590
6. Eastern Kentucky Gas
7. Pike KY
8. 22.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02751/739  
 2. 16-119-00324-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett John #2-006020  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 5.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02752/740  
 2. 16-119-00302-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett John #1-005920  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 5.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02753/741  
 2. 16-119-03190-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. East Ky Realty #9-010930  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02754/742  
 2. 16-119-03123-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. East Ky Realty #8-010630  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02755/743  
 2. 16-071-00179-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #3-005280  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 25.7 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02756/465  
 2. 16-195-01786-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #32-021270  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02757/408  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #1-002920  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 15.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02758/409  
 2. 16-195-00313-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #4-005900

6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 15.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02759/410  
 2. 16-071-00314-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #5-005910  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 15.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02760/461  
 2. 16-195-01606-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #28-020940  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02761/462  
 2. 16-195-01607-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #29-020950  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02762/463  
 2. 16-195-01608-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #30-020960  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02763/464  
 2. 16-195-01785-AEF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #31-021220  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02764/460  
 2. 16-195-01255-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #27-020500  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02765/411  
 2. 16-195-00323-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #6-006080  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 15.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02766/412  
 2. 16-071-00355-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher Land Co #7-006090  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 15.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-01629  
 2. 47-097-01420  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-445  
 6. Washington District  
 7. Upshur WV  
 8. 5.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01630  
 2. 47-097-01421  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-452  
 6. Washington District  
 7. Upshur WV  
 8. 10.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01631  
 2. 47-033-00910  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-530  
 6. Union District  
 7. Harrison WV  
 8. 10.0 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01632  
 2. 47-041-016256  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-362  
 6. Hackers Creek District  
 7. Lewis WV  
 8. .2 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01633  
 2. 47-033-00914  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-531  
 6. Union District  
 7. Harrison WV  
 8. 12.3 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01634  
 2. 47-033-00918  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-540  
 6. Grant District  
 7. Harrison WV  
 8. 12.5 million cubic feet  
 9. October 10, 1979  
 10. Consolidated Gas Supply Corp  
 1. 80-01635  
 2. 47-033-00927  
 3. 108  
 4. Allegheny Land & Mineral Co  
 5. A-555

6. Union District  
7. Harrison WV  
8. 15.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01636  
2. 47-041-01854  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-453  
6. Freemans Creek Dist  
7. Lewis WV  
8. 2.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01637  
2. 47-041-01820  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-438  
6. Freemans Creek Dist  
7. Lewis WV  
8. 9.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01638  
2. 47-041-01711  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-390  
6. Hackers Creek District  
7. Lewis WV  
8. .2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01639  
2. 47-041-01710  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-389  
6. Hackers Creek District  
7. Lewis WV  
8. .2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01640  
2. 47-041-01692  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-382  
6.  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01641  
2. 47-041-01691  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-381  
6. Freemans Creek District  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01642  
2. 47-041-01690  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-380  
6. Freemans Creek District  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01643  
2. 47-015-00722  
3. 108 denied  
4. W Howard Taylor Agent  
5. Eakle #3 47-015-0722  
6. Maysel  
7. Clay WV  
8. 23.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01644  
2. 47-041-02033  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-566  
6. Collins Settlement  
7. Lewis WV  
8. 2.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01645  
2. 47-041-01999  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-541  
6. Freemans Creek District  
7. Lewis WV  
8. 4.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01646  
2. 47-041-01982  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-526  
6. Hackers Creek District  
7. Lewis WV  
8. 7.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01647  
2. 47-041-01981  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-524  
6. Hackers Creek District  
7. Lewis WV  
8. 5.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01648  
2. 47-041-01980  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-525  
6. Hackers Creek District  
7. Lewis WV  
8. 10.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01649  
2. 47-041-01979  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-527  
6. Hackers Creek District  
7. Lewis WV  
8. 11.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01650  
2. 47-041-01978  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-523

6. Court House District  
7. Lewis WV  
8. 5.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01651  
2. 47-041-01889  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-457  
6. Freemans Creek District  
7. Lewis WV  
8. 2.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01652  
2. 47-041-01866  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-450  
6. Freemans Creek Dist  
7. Lewis WV  
8. 1.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01653  
2. 47-015-00573  
3. 108  
4. W Howard Taylor Agent  
5. Gorrell 47-015-0573  
6. Maysel  
7. Clay WV  
8. 2.8 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp

1. 80-01654  
2. 47-015-00567  
3. 108  
4. W Howard Taylor  
5. Reed #2 47-015-0567  
6. Maysel  
7. Clay WV  
8. 1.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp

1. 80-01655  
2. 47-015-00561  
3. 108  
4. W Howard Taylor  
5. Reed #3 47-015-0561  
6. Maysel  
7. Clay WV  
8. 1.7 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp

1. 80-01656  
2. 47-015-00558  
3. 108  
4. W Howard Taylor Agent  
5. Reed #1 47-015-0558  
6. Maysel  
7. Clay WV  
8. 1.3 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp

1. 80-01657  
2. 47-015-00718  
3. 108 denied  
4. W Howard Taylor Agent  
5. King #2 47-015-0718  
6. Maysel  
7. Clay WV  
8. 50.7 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp



1. 80-01658
2. 47-017-01612
3. 108
4. Allegheny Land & Mineral Co
5. A-424
6. Southwest
7. Doddridge WV
8. 6.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01659
2. 47-017-01610
3. 108
4. Allegheny Land & Mineral Co
5. A-422
6. McClellan District
7. Doddridge WV
8. 5.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01660
2. 47-017-01609
3. 108
4. Allegheny Land & Mineral Co
5. A-420
6. Grant District
7. Doddridge WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01661
2. 47-013-02547
3. 108
4. Allegheny Land & Mineral Co
5. A-549
6. Washington District
7. Calhoun WV
8. 7.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01662
2. 47-013-02555
3. 108
4. Allegheny Land & Mineral Co
5. A-570
6. Washington District
7. Calhoun WV
8. 8.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01663
2. 47-013-02496
3. 108
4. Allegheny Land & Mineral Co
5. A-461
6. Washington District
7. Calhoun WV
8. 10.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

1. 80-01664
2. 47-015-00599
3. 108
4. W Howard Taylor Agent
5. Eakle #1 47-015-0599
6. Maysel
7. Clay WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Transmission Corp

1. 80-01665
2. 47-087-00949
3. 108
4. Va Roy Hildreth
5. Lydia Newlon Well #2 55-6031283
6. Little Creek
7. Roane WV

8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01668
2. 47-087-01012
3. 108
4. Va Roy Hildreth
5. Deweese Well #1 55-6031017
6. Little Creek
7. Roane WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corporation

1. 80-01667
2. 47-087-01045
3. 108
4. Va Roy Hildreth
5. M F Tyson Well #2 55-6031274
6. Little Creek
7. Roane WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corporation

1. 80-01668
2. 47-013-01453
3. 108
4. W H Hildreth
5. Cogar Oil & Gas 55-6031780
6. Arnoldsburg
7. Calhoun WV
8. 1.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

Kentucky Department of Mines and Minerals,  
Oil and Gas Division

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02807/453
2. 16-195-03653-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #18-012510
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02808/454
2. 16-195-03951-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #20-013640
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02809/455
2. 16-195-00951-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #21-019210
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02810/456
2. 16-195-00978-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #22-019460
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02811/457
2. 16-195-01064-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #24-019750
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02812/458
2. 16-195-01221-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #25-019880
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02813/459
2. 16-195-01315-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #26-020220
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02814/668
2. 16-195-03346-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #42-011660
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02815/667
2. 16-195-03465-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #43-011670
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02816/668
2. 16-195-03466-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #44-011740
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

1. 80-02817/669
2. 16-195-03559-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #45-011750
6. Eastern Kentucky Gas

- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02818/670
2. 16-195-00240-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #5-005540
6. Eastern Kentucky Gas
- 7 Pike KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02819/671
2. 16-195-00386-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #7-006270
6. Eastern Kentucky Gas
- 7 Pike KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02820/672
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #1-003560
6. Eastern Kentucky Gas
- 7 Pike KY
8. 9.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02821/674
2. 16-195-00291-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #6-005610
6. Eastern Kentucky Gas
- 7 Pike KY
8. 4.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02822/674
2. 16-119-01024-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #15-009520
6. Eastern Kentucky Gas
- 7 Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02823/675
2. 16-119-02071-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #16-010270
6. Eastern Kentucky Gas
- 7 Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02824/676
2. 16-119-00229
3. 108 000 000
4. Ashland Exploration Inc
5. Leslie Rosalie #1-005450
6. Eastern Kentucky Gas
- 7 Knott KY
8. 2.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02825/677
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #4-003670
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02826/678
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #7-003820
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02827/679
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #9-003920
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02828/680
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #11-004250
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02829/681
2. 16-195-00007-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #12-004290
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02830/682
2. 16-195-00020
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02831/683
2. 16-195-00020-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02832/684
2. 16-195-00425-F
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #21-006540
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02833/685
2. 16-195-00424-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #22-006550
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02834/686
2. 16-195-03198-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #36-010940
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02835/687
2. 16-195-03320-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #39-011260
6. Eastern Kentucky Gas
- 7 Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02836/688
2. 16-071-00026-E
3. 108 000 000
4. Ashland Exploration Inc
5. Steele Letha C #1-004380
6. Eastern Kentucky Gas
- 7 Floyd KY
8. 11.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02837/689
2. 16-071-00038
3. 108 000 000
4. Ashland Exploration Inc
5. Steele Letha C #2-004590
6. Eastern Kentucky Gas
- 7 Floyd KY
8. 11.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02838/690
2. 16-071-00047-E
3. 108 000 000
4. Ashland Exploration Inc
5. Layne Tom #1-004720
6. Eastern Kentucky Gas
- 7 Floyd KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02839/691
2. 16-071-00112-E
3. 108 000 000
4. Ashland Exploration Inc
5. Layne Dallas #1-004920
6. Eastern Kentucky Gas
- 7 Floyd KY
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02840/692
2. 16-071-00039-E
3. 108 000 000
4. Ashland Exploration Inc
5. Clark G W #1-004700
6. Eastern Kentucky Gas

7. Floyd KY
8. 2.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02841/693
2. 16-071-00131-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hamblen Octavia #1-005000
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02842/694
2. 16-071-00132-E
3. 108 000 000
4. Ashland Exploration Inc
5. Utilities Elkhorn Coal Co #1-00501
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02843/695
2. 16-195-00370-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #1-004280
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02844/696
2. 16-195-00051-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #2-004610
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02845/697
2. 16-195-00320-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #3-005970
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02846/698
2. 16-119-00162-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hicks Elijan #1-005130
6. Eastern Kentucky Gas
7. Knott KY
8. 8.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02847/699
2. 16-119-02924-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Campbell Grace Combs #1-024050
6. Eastern Kentucky Gas
7. Knott KY
8. 5.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02848/700
2. 16-195-00092-E
3. 108 000 000
4. Ashland Exploration Inc
5. Damron Logan #1-004810
6. Eastern Kentucky Gas
7. Pike KY
8. 23.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02849/701
2. 16-071-00045-E
3. 108 000 000
4. Ashland Exploration Inc
5. Gibson Martha #2-004520
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02850/702
2. 16-071-00093-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #1-004820
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02851/703
2. 16-119-00188-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hicks Elijah #2-005270
6. Eastern Kentucky Gas
7. Knott KY
8. 8.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02852/704
2. 16-071-00124-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #2-004970
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02853/705
2. 16-119-00215-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #8-005350
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02854/706
2. 16-119-00083-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #5-004780
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02855/707
2. 16-119-00066-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #4-004750
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02856/708
2. 16-119-00298-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #19-026810
6. Eastern Kentucky Gas
7. Knott KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02857/620
2. 16-195-00354-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #8-006170
6. Eastern Kentucky Gas
7. Pike KY
8. 1.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02858/621
2. 16-195-00482-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky Stone #1-006670
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02859/622
2. 16-195-00316-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cline J S #1-005930
6. Eastern Kentucky Gas
7. Pike KY
8. 14.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02860/623
2. 16-195-00380-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cline J S #2-006260
6. Eastern Kentucky Gas
7. Pike KY
8. 14.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02861/624
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #1-002290
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02862/625
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #2-002360
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02863/626

2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #3-002550
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02864/627
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #5-002780
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02865/628
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #7-003030
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02866/629
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #6-002870
6. Eastern Kentucky Gas
7. Floyd KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02867/630
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #8-003040
6. Eastern Kentucky Gas
7. Floyd KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02868/630
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #1-003420
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02869/632
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #2-003650
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02870/633
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #3-003700
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02871/634
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Turner W-J #2-003340
6. Eastern Kentucky Gas
7. Floyd KY
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02872/635
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #2-003600
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02873/636
2. 16-019-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #3-003710
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02874
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #4-04530
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02875/638
2. 16-119-00080-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #5-004690
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02876/639
2. 16-119-00173-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #6-005150
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02877/640
2. 16-119-00213-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #7-005320
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02878/641
2. 16-119-00218-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #8-005330
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02879/642
2. 16-119-00241-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #9-005430
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02880/643
2. 16-119-00481-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #10-006660
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02881/644
2. 16-119-00856-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #12-008640
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02882/645
2. 16-195-00020-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02883/646
2. 16-195-00148-E
3. 108 000 000
4. Ashland Exploration Inc
5. Lowe John S #2-005070
6. Eastern Kentucky Gas
7. Pike KY
8. 2.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02884/647
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Mullins Noah #3-003980
6. Eastern Kentucky Gas
7. Pike KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02885/648
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Wagner Roma #1-003990
6. Eastern Kentucky Gas

7. Pike KY  
8. 12.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02886/649  
2. 16-195-00319-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Kentucky West Va Gas Co #1-005980  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02887/650  
2. 16-119-00565-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Kycoga Land Co #11-006980  
6. Eastern Kentucky Gas  
7. Knott, KY  
8. 9.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02888/651  
2. 16-195-00360-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Kentucky West Va Gas Co #2-006210  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 7.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02889/652  
2. 16-071-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Setser Henry #1-003480  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 2.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02890/653  
2. 16-071-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Setser Henry #2-003660  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 2.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02891/654  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Nunnery George #1-003380  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 14.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02892/655  
2. 16-195-00150-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Beury Wm J #2-005090  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.9 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02893/656

2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Susan C Evans #1-005060  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 1.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02894/657  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Greer Ethel #1-003620  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 9.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02895/658  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Marrs Jennie #2-003760  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 6.5 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02896/659  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Marrs Jennie #3-003770  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 8.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02897/660  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Coleman John #1-003840  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 13.1 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02898/661  
2. 16-119-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Smith Lillie #1-003790  
6. Eastern Kentucky Gas  
7. Knott, KY  
8. 3.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02899/662  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Lowe O R #1-003850  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 18.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02900/663  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Lowe John S #1-003910  
6. Eastern Kentucky Gas

7. Pike, KY  
8. 2.8 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02901/664  
2. 16-195-03363-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #40-011360  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 6.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02902/665  
2. 16-195-03351-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #41-011370  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 6.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02903/519  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Slater Unit-155620  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02904/520  
2. 16-195-02138-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #53-021980  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 8.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02905/521  
2. 16-195-02375-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #54-022280  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 8.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02906/522  
2. 16-195-02430-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #55-022950  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 8.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02907/523  
2. 16-195-01787-EF  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #52-021280  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 9.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02908/524

2. 16-195-02511-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Colony Coal & Coke #56-023440  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 8.7 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02909/525  
 2. 16-195-02007-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #33-021710  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 3.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02910/526  
 2. 16-195-02704-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #37-023830  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 3.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02911/527  
 2. 16-195-02804  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #52-026960  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 10.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02912/528  
 2. 16-195-00208-E8  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #50-026730  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 4.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02913/529  
 2. 16-195-03259-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #43-025000  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 10.7 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02914/530  
 2. 16-195-04017-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #48-026150  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 4.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02915/531  
 2. 16-195-00370-E8  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #51-026830  
 6. Eastern Kentucky Gas

7. Pike, KY  
 8. 21.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02916/532  
 2. 16-195-00038-E8  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #49-026600  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 15.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02917/533  
 2. 16-195-03612-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #45-025580  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 14.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02918/534  
 2. 16-195-03056-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #41-024690  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 18.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02919/535  
 2. 16-195-01768  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #53-032130  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02920/536  
 2. 16-195-02925-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Republic Steel Corp #38-024070  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 10.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02921/537  
 2. 16-195-01678-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Colony Coal & Coke #51-021110  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 8.7 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02922/538  
 2. 16-195-00286-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mason Coal & Coke #10-026650  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 14.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02923/539  
 2. 16-195-00950-E8  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mason Coal & Coke #11-027590  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 8.1 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02924/540  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Colony Coal & Coke #5-003740  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 23.6 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02925/541  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington Ballard #4-003870  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 24.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02926/542  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington B & J #2-003880  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 8.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02927/543  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Myers Angie #1-003590  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 13.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02928/544  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mullins Noah #1-003610  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02929/545  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mullins Noah #2-003900  
 6. Eastern Kentucky Gas  
 7. Pike, KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02930/546  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mullins Creed #1-003780

6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02931/547  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weddington B & J #3-003940  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 9.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02932/548  
2. 16-071-00037-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Hatcher James #2-004430  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 8.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02933/549  
2. 16-071-00046-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Boyd Don-004660  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 2.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02934/550  
2. 16-195-00084-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weddington B & J #4-004940  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02935/551  
2. 16-195-00130-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ratliff James #1-004990  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 6.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02936/552  
2. 16-195-00219-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ratliff James #2-005360  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 6.6 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02937/553  
2. 16-195-00152-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Tackett Preston #1-005110  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc

1. 80-02938/554  
2. 16-071-00163-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Hatcher James #5-005120  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 8.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02939/555  
2. 16-071-00187-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Hatcher James #6-005300  
6. Eastern Kentucky Gas  
7. Floyd, KY  
8. 8.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02940/556  
2. 16-195-00228-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Ratliff Donna #1-005410  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02941/557  
2. 16-195-03242-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weddington Ballard #9-010340  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.9 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02942/558  
2. 16-195-03669-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weddington Ballard #10-012020  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 5.9 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02943/559  
2. 16-195-00348-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Weddington B & J #6-006130  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 2.4 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02944/560  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Cassady J W #1-002990  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 21.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02945/561  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Hatcher Land Co #2-003330

6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02946/562  
2. 16-195-03352-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Hatcher Land Co #8-011380  
6. Eastern Kentucky Gas  
7. Pike, KY  
8. 3.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02947/563  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #6-003750  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02948/564  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #10-003930  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02949/565  
2. 16-195-03109-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #34-010620  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.2 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02950/566  
2. 16-195-00000  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Colony Coal & Coke #3-003580  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 7.3 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02951/567  
2. 16-195-00282  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Emma Leslie #1-005600  
6. Eastern Kentucky Gas Field  
7. Pike KY  
8. 7.0 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc  
1. 80-02952/568  
2. 16-195-00234-E  
3. 108 000 000  
4. Ashland Exploration Inc  
5. Mims Martin #1-005420  
6. Eastern Kentucky Gas  
7. Pike KY  
8. 8.7 million cubic feet  
9. October 11, 1979  
10. Columbia Gas Transmission Inc

1. 80-02953/569  
 2. 16-195-00254-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Mims Martin #2-005460  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 8.7 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02954/570  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington Ballard #1-002930  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 5.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02955/571  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington Ballard #2-002940  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 5.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02956/572  
 2. 16-195-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington Ballard #5-004270  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 24.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02957/573  
 2. 16-195-00349-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Weddington Ballard #7-006100  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 5.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02958/709  
 2. 16-119-03947-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Kycoga Land Co #18-025960  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 4.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02959/710  
 2. 16-119-03656-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Kycoga Land Co #17-025640  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 4.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02960/711  
 2. 16-119-03460-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Martin Ben J #1-025340

6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 19.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02961/712  
 2. 16-119-00688-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett George W #1-007440  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 9.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02962/713  
 2. 16-119-00184  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Childers Mary #1-005260  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 5.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02963/714  
 2. 16-119-00846-EF  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. East Ky Realty #10-019040  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02964/715  
 2. 16-119-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. East Ky Realty #3-002850  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02965/716  
 2. 16-119-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. East Ky Realty #2-002580  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 6.5 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02966/717  
 2. 16-195-00106-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Dameron Auxier #1-004850  
 6. Eastern Kentucky Gas  
 7. Pike KY  
 8. 6.8 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02967/718  
 2. 16-071-00124-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Jester Laura M #3-004980  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 10.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02968/719  
 2. 16-071-00149-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Jester Laura M #5-005050  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 10.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02969/720  
 2. 16-071-00058-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Brown Nancy J #3-004600  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02970/721  
 2. 16-071-00022-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Brown Nancy J #2-004400  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02971/722  
 2. 16-071-00022-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Brown Nancy J #1-004390  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02972/723  
 2. 16-071-00097-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher James #4-004680  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02973/724  
 2. 16-071-00061-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher James #3-004620  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02974/725  
 2. 16-071-00028-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hatcher James #1-004420  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 8.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02975/726  
 2. 16-071-00018-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Clark Dewey #1-004340



6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 1.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02976/727  
 2. 16-071-00010-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Clark Nora E #2-004300  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 9.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02977/728  
 2. 16-071-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Clark Nora E #1-004260  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 9.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02978/729  
 2. 16-071-00023-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Clark Dewey #2-004370  
 6. Eastern Kentucky Gas  
 7. Floyd KY  
 8. 1.3 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02979/730  
 2. 16-119-00172-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Childers G W #1-005160  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 5.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02980/733  
 2. 16-119-00171-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Smith Mary B #1-005250  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 4.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02981/732  
 2. 16-119-00169-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Leete Claudia #1-005140  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 4.0 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02982/733  
 2. 16-119-00135-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hale Lula M #1-005020  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 5.9 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02983/734  
 2. 16-119-00117-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hays Liberty #2-004930  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 12.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02984/735  
 2. 16-119-00082-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Hays Liberty #1-004790  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 12.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02985/736  
 2. 16-119-00361-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett Henderson #1-006230  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 7.2 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc  
 1. 80-02986/737  
 2. 16-119-00118-E  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett Samuel #2-005170  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 18.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

1. 80-02987/738  
 2. 16-119-00000  
 3. 108 000 000  
 4. Ashland Exploration Inc  
 5. Cornett Samuel #1-004770  
 6. Eastern Kentucky Gas  
 7. Knott KY  
 8. 18.4 million cubic feet  
 9. October 11, 1979  
 10. Columbia Gas Transmission Inc

#### Louisiana Office of Conservation

1. Control Number (FERC/State)  
 2. API well number  
 3. Section of NGPA  
 4. Operator  
 5. Well name  
 6. Field or OCS area name  
 7. County, State or block No.  
 8. Estimated annual volume  
 9. Date received at FERC  
 10. Purchaser(s)  
 1. 80-02991/79-962  
 2. 17-101-21032  
 3. 102 000 000  
 4. McMoran Exploration Co  
 5. State Lease 5706 #5  
 6. South Myette Point  
 7. St Mary LA  
 8. 20.0 million cubic feet  
 9. October 17, 1979  
 10. Transcontinental Gas Pipeline Corp.  
 Sugar Bowl Gas  
 1. 80-02992/79-2308  
 2. 17-075-22489

3. 102 000 000  
 4. Signal Petroleum  
 5. S/L 2028 #12  
 6. Lake Washington  
 7. Plaquemines LA  
 8. 1460.0 million cubic feet  
 9. October 17, 1979  
 10. Southern Natural Gas Company  
 1. 80-02993/79-2309  
 2. 17-075-22453  
 3. 102 000 000  
 4. Signal Petroleum  
 5. S/L 2028 #13  
 6. Lake Washington  
 7. Plaquemines LA  
 8. 2190.0 million cubic feet  
 9. October 17, 1979  
 10. Southern Natural Gas Company  
 1. 80-02994/79-950  
 2. 17-075-22521-0000-1  
 3. 102 000 000  
 4. Gulf Oil Corporation  
 5. SL 195 QQ #292  
 6. Quarantine Bay  
 7. Plaquemines LA  
 8. 190.0 million cubic feet  
 9. October 17, 1979  
 10. United Gas Pipeline Company  
 1. 80-02995/79-851  
 2. 17-075-22521-0000-2  
 3. 102 000 000  
 4. Gulf Oil Corporation  
 5. SL 195 QQ #292-D  
 6. Quarantine Bay  
 7. Plaquemines LA  
 8. 43.0 million cubic feet  
 9. October 17, 1979  
 10. United Gas Pipeline Company  
 1. 80-02996/79-1672  
 2. 17-031-20730  
 3. 102 000 000  
 4. Phillips Petroleum Company  
 5. Lord A No 1  
 6. Grogan  
 7. De Soto Parish LA  
 8. 75.0 million cubic feet  
 9. October 17, 1979  
 10.  
 1. 80-02997/79-2298  
 2. 17-075-22545  
 3. 102 000 000  
 4. Gulf Oil Corporation  
 5. VU 1 J G Timolat B #137 West Bay  
 6. West Bay  
 7. Plaquemines Parish LA  
 8. 420.0 million cubic feet  
 9. October 17, 1979  
 10. Texas Eastern Transmission Corp, Untied  
 Gas Pipeline Co  
 1. 80-02998/79-1687  
 2. 17-075-22410  
 3. 102 000 000  
 4. Gulf Oil Corporation  
 5. VU 68 S L 192 PP #137  
 6. West Bay  
 7. Plaquemines LA  
 8. 300.0 million cubic feet  
 9. October 17, 1979  
 10. Texas Eastern Gas Transmission, United  
 Gas Pipeline Co  
 1. 80-02999/79-1680  
 2. 17-057-20776  
 3. 102 000 000  
 4. Mullins & Prichard  
 5. Mabel G Myers #1

6. Delta Farms West
7. Lafourche LA
8. 175.0 million cubic feet
9. October 17, 1979
10. Tennessee Gas Pipeline Co

1. 80-03000/79-2498
2. 16-075-22453
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #13D
6. Lake Washington
7. Plaquemines LA
8. 365.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company

1. 80-03001/79-2500
2. 16-023-21325
3. 102 000 000
4. North American Royalties Inc
5. J A Davis #1 160322
6. Black Ridge
7. Cameron PH LA
8. 1000.0 million cubic feet
9. October 17, 1979
10. Energy Development Corporation

- Louisiana Resources Co
1. 80-03002/79-2305
2. 17-007-20220
3. 102 000 000
4. Borden Inc
5. JRG Vva Evan Belle Corp #2
6. Lapice Field
7. Assumption Parish LA
8. 1200.0 million cubic feet
9. October 17, 1979
10. United Gas Pipeline Company Louisiana

- Resources Co
1. 80-03003/79-2307
2. 17-075-22379
3. 102 103 000
4. Signal Petroleum
5. LW 28 Ra Nvu S/L 2028 #11
6. Lake Washington
7. Plaquemines LA
8. 220.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company

1. 80-03004/79-2300
2. 17-113-20826
3. 102 000 000
4. Mcalester Fuel Company
5. Vu A Bonin #1 160454
6. Southwest Gueydan
7. Vermilion Parish LA
8. 500.0 million cubic feet
9. October 17, 1979
10. Continental Oil Company

1. 80-03005/79-2299
2. 17-075-22502
3. 102 000 000
4. Hilliard Oil & Gas Inc
5. I R Price Et Al #1
6. Ccgutille Bay
7. Plaquemines LA
8. 365.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company

1. 80-03008/79-2312
2. 17-023-21251
3. 102 000 000
4. Goldking Production Company
5. Miami Corporation L No 1
6. Twin Island
7. Cameron Parish LA
8. 547.5 million cubic feet

9. October 17, 1979
10. Transcontinental Pipe Line
1. 80-03007/79-2313
2. 17-023-21349
3. 102 000 000
4. Goldking Production Company
5. Miami Corp L No 2
6. Twin Island
7. Cameron Parish LA
8. 547.5 million cubic feet
9. October 17, 1979
10. Transcontinental Pipe Line

#### South Dakota Department of Natural Resource Development

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02988/878
2. 40-063-20194
3. 102 000 000
4. ALMA McCutchin
5. #1-19 Olsen
6. West Short Pine Hills
7. Harding SD
8. 150.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co

1. 80-02989/839
2. 40-163-20167
3. 102 000 000
4. Alma McCutchin
5. #1-8 State
6. West Short Pine Hills
7. Harding SD
8. 80.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co

1. 80-02990/836
2. 40-063-20165
3. 102 000 000
4. Alma McCutchin
5. 5-1 State
6. West Short Pine Hills
7. Harding SD
8. 180.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co

#### Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02583/00556
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No 12
6. Armer (clearfork)
7. Crane TX

8. 36.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation

1. 80-02584/00558
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No 14
6. Armer (Glorieta)
7. Crane TX
8. 62.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation

1. 80-02585/00559
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No 13
6. Armer (clearfork)
7. Crone TX
8. 58.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation

1. 80-02586/03894
2. 42-203-00000
3. 103 000 000 denied
4. Dyco Petroleum Corporation
5. I L Hutchinson No 1
6. Woodlawn South (hill)
7. Harrison TX
8. 100.0 million cubic feet
9. October 16, 1979
10. Mississippi River Transmission Co

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02609/COA-2592-79
2. 05-067-05056-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 15 No. 1-16
6. Ignacio-Blanco
7. La Plata County, CO
8. 3.4 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company

1. 80-02610/COA-2591-79
2. 05-067-05072-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 15 No. 2-16
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.2 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company

1. 80-02611/COA-2590-79
2. 05-067-05092-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 13 No. 5-18
6. Ignacio-Blanco
7. La Plata County, CO
8. 12.5 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company

1. 80-02612/COA-2589-79

2. 05-067-05074-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 13 No. 1-17
6. Ignacio-Blanco
7. La Plata County, CO
8. 10.1 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02613/COA-2588-79
2. 05-067-05014-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 4 No. 1-24
6. Ignacio-Blanco
7. La Plata County, CO
8. 15.7 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corporation
1. 80-02614/COA-2587-79
2. 05-067-05183-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 11 No. 1-1
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02615/COA-2586-79
2. 05-067-05096-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 12 No. 1-16
6. Ignacio-Blanco
7. La Plata County, CO
8. 12.7 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02616/COA-2585-79
2. 05-067-05141-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 13 No. 1-8
6. Ignacio-Blanco
7. La Plata County, CO
8. 8.2 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02617/COA-2584-79
2. 05-067-05270-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 6 No. 2-29
6. Ignacio-Blanco
7. La Plata County, CO
8. 20.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02618/COA-2583-79
2. 05-067-05124-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 13 No. 2-8
6. Ignacio-Blanco
7. La Plata County, CO
8. 10.2 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02619/COA-2582-79
2. 05-067-05582-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 8 No. 3-22
6. Ignacio-Blanco
7. La Plata County, CO
8. 12.0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp.
1. 80-02821/COA-2597-79
2. 05-067-05053-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 3 No. 4-18
6. Ignacio-Blanco
7. La Plata County, CO
8. 8.5 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02822/COA-2596-79
2. 05-067-05574-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 9 No. 2-30
6. Ignacio-Blanco
7. La Plata County, CO
8. 5.0 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02623/COA-2595-79
2. 05-067-05246-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 10 No. 3-31
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.9 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02624/COA-2594-79
2. 05-067-05067-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 12 No. 2-16
6. Ignacio-Blanco
7. La Plata County, CO
8. 10.2 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02825/COA-2593-79
2. 05-067-05093-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 13 No. 3-17
6. Ignacio-Blanco
7. La Plata County, CO
8. 12.2 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02626/COA-2599-79
2. 05-067-05575-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 9 No. 1-29
6. Ignacio-Blanco
7. La Plata County, CO
8. 8.3 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp.
1. 80-02627/COA-2598-79
2. 05-067-05074-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 3 No. 2-17
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.5 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02628/COA-2601-79
2. 05-067-05114-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 14 No. 1-11
6. Ignacio-Blanco
7. La Plata County, CO
8. 4.6 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp.
1. 80-02629/COA-2602-79
2. 05-067-05084-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 16 No. 1-13
6. Ignacio-Blanco
7. La Plata County, CO
8. 8.7 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02630/COA-2600-79
2. 05-067-05578-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 8 No. 2-27
6. Ignacio-Blanco
7. La Plata County, CO
8. 7.9 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp.
1. 80-02631/COA-2603-79
2. 05-067-05006-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern Ute Block 17 No. 1-20
6. Ignacio-Blanco
7. La Plata County, CO
8. 15.6 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02632/COA-2604-79
2. 05-067-05029-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 3 No. 5-19-X
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.9 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02637/COA-2605-79
2. 05-067-05757-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern Ute Block 5 No. 3-32
6. Ignacio-Blanco
7. La Plata County, CO
8. 6.4 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02550/NM-82-78
2. 30-045-22957-0000-0
3. 108 000 000 Denied
4. Dugan Production Corp.
5. Hard Deal No. 2R
6. WAW Fruitland PC
7. San Juan, NM
8. 9.0 million cubic feet
9. October 22, 1979
10. El Paso Natural Gas Co
1. 80-02551/NM-2952-79B
2. 30-025-25871-0000-0
3. 103 000 000 Denied
4. Continental Oil Company
5. Jack B-30 No. 2
6. Jalmat Yates Gas

7. Lea, NM  
8. 3.8 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02552/NM-3082-79  
2. 30-025-25162-0000-0  
3. 103 000 000 Denied  
4. Tenneco Oil Company  
5. Leonard Federal No. 8  
6. Leonard Queen South  
7. Lea, NM  
8. 15.3 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02553/NM-3091-79  
2. 30-025-11983-0000-0  
3. 103 000 000 Denied  
4. Tenneco Oil Company  
5. Leonard Federal No. 5  
6. Leonard Queen South  
7. Lea, NM  
8. 10.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02554/NM-2452-79A  
2. 30-025-25871-0000-0  
3. 103 000 000  
4. Continental Oil Company  
5. Jack B-30 No. 2  
6. Langlie Mattix Seven Rivers Queen  
7. Lea, NM  
8. 4.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02555/NM-3067-79-B  
2. 30-039-21727-0000-2  
3. 103 000 000  
4. Northwest Production Corporation  
5. Jicarilla 152W #4 (Pictured Cliffs)  
6. South Blanco  
7. Rio Arriba, NM  
8. 100.0 million cubic feet  
9. October 16, 1979  
10. Northwest Pipeline Corporation

1. 80-02556/NM-3067-79-A  
2. 30-039-21727-0000-1  
3. 103 000 000  
4. Northwest Production Corporation  
5. Jicarilla 152W #4 (Mesa Verde)  
6. Blanco  
7. Rio Arriba, NM  
8. 150.0 million cubic feet  
9. October 16, 1979  
10. Northwest Pipeline Corporation

1. 80-02557/NM-3085-79  
2. 30-045-21569-0000-0  
3. 108 000 000  
4. El Paso Natural Gas Company  
5. NYE 14 FT & CH  
6. Aztec-Fruitland & Bloomfield-Chacra  
7. San Juan, NM  
8. 16.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02558/NM-3084-79  
2. 30-045-21677-0000-0  
3. 108 000 000  
4. El Paso Natural Gas Company  
5. Lloyd A 3 CH & PC  
6. Bloomfield-Chacra & Aztec-Pictured  
7. San Juan, NM  
8. 8.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02559/NM-3063-79  
2. 30-015-20780-0000-0  
3. 108 000 000  
4. El Paso Natural Gas Company  
5. Patterson #1  
6. Rocky Arroyo-Atoka Gas  
7. Eddy, NM  
8. 1.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02560/NM-3051-79  
2. 30-039-21820-0000-0  
3. 103 000 000  
4. El Paso Natural Gas Company  
5. San Juan 28-5 Unit #98  
6. Basin  
7. Rio Arriba, NM  
8. 54.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02561/NM-3050-79  
2. 30-039-21804-0000-0  
3. 103 000 000  
4. El Paso Natural Gas Company  
5. San Juan 28-5 Unit #101  
6. Basin  
7. Rio Arriba, NM  
8. 91.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02562/NM-3048-79  
2. 30-039-21809-0000-0  
3. 103 000 000  
4. El Paso Natural Gas Company  
5. Lindrith Unit Com #93  
6. South Blanco  
7. Rio Arriba, NM  
8. 30.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02563/NM-3047-79-2  
2. 30-039-20884-0000-0  
3. 103 000 000  
4. El Paso Natural Gas Company  
5. San Juan 27-4 Unit #99  
6. Blanco  
7. Rio Arriba, NM  
8. 55.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02564/NM-3092-79  
2. 30-025-11972-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #3  
6. Leonard Queen South  
7. Lea, NM  
8. 10.0 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02565/NM-3090-79  
2. 30-025-25860-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Brothers #21  
6. Leonard Queen South  
7. Lea, NM  
8. 7.3 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02566/NM-3089-79  
2. 30-025-25859-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Brothers #20

6. Leonard Queen South  
7. Lea, NM  
8. 10.2 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02567/NM-3088-79  
2. 30-025-25837-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #12  
6. Leonard Queen South  
7. Lea, NM  
8. 10.9 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02568/NM-3087-79  
2. 30-025-25560-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Brothers A #1  
6. Leonard Queen South  
7. Lea, NM  
8. 14.6 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02569/NM-3086-79  
2. 30-025-25578-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #8  
6. Leonard Queen South  
7. Lea, NM  
8. 8.4 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02570/NM-3085-79  
2. 30-025-25833-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #11  
6. Leonard Queen South  
7. Lea, NM  
8. 20.8 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02571/NM-3084-79  
2. 30-025-25581-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #10  
6. Leonard Queen South  
7. Lea, NM  
8. 40.8 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02572/NM-3083-79  
2. 30-025-25579-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Federal #9  
6. Leonard Queen South  
7. Lea, NM  
8. 15.3 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02573/NM-3081-79  
2. 30-025-25861-0000-0  
3. 103 000 000  
4. Tenneco Oil Company  
5. Leonard Brothers #22  
6. Leonard Queen South  
7. Lea, NM  
8. 5.1 million cubic feet  
9. October 16, 1979  
10. El Paso Natural Gas Company

1. 80-02574/NM-3080-79
2. 30-025-25981-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #28
6. Leonard Queen South
7. Lea, NM
8. 27.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02575/NM-3079-79
2. 30-025-11981-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #3
6. Leonard Queen South
7. Lea, NM
8. 49.6 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02576/NM-3078-79
2. 30-025-25572-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #5
6. Leonard Queen South
7. Lea, NM
8. 13.1 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02577/NM-3077-79
2. 30-025-25574-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #7
6. Leonard Queen South
7. Lea, NM
8. 1.1 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02578/NM-3076-79
2. 30-025-25982-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #27
6. Leonard Queen South
7. Lea, NM
8. 22.6 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02579/NM-3075-79
2. 30-025-25960-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #24
6. Leonard Queen South
7. Lea, NM
8. 14.6 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02580/NM-3074-79
2. 30-025-25576-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #11
6. Leonard Queen South
7. Lea, NM
8. 57.6 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02581/NM-3073-79
2. 30-025-25857-0000-0
3. 103 000 000
4. Tenneco Oil Company
5. Leonard Brothers #16

6. Leonard Queen South
7. Lea, NM
8. 7.3 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02582/NM-3070-79
2. 30-039-21297-0000-0
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 123C #22
6. South Blanco
7. Rio Arriba, NM
8. 61.0 million cubic feet
9. October 16, 1979
10. El Paso Pipeline Corporation
1. 80-02587/NM-2144-79
2. 30-039-07828-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 30-4 Unit NP #9
6. Blanco East-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02588/NM-2986-79
2. 30-025-25511-0000-0
3. 103 000 000
4. Continental Oil Company
5. Pearl B #5
6. Maljamar (GSA)
7. Lea, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. Transportation Pipeline
1. 80-02589/NM-2985-79
2. 30-039-21524-0000-0
3. 103 000 000
4. Continental Oil Company
5. Conoco 29-4 #6
6. East San Juan
7. Rio Arriba NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Company
1. 80-02590/NM-2983-79-3
2. 30-025-25606-0000-0
3. 103 000 000
4. Continental Oil Company
5. Pearl B #7
6. Maljamar (G-SA)
7. Lea NM
8. 2.0 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline Company
1. 80-02591/NM-2983-79-8
2. 30-025-25606-0000-0
3. 108 000 000
4. Continental Oil Company
5. Pearl B #7
6. Baish-Maljamar-Pearsall
7. Lea NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline Company
1. 80-02592/NM-2545-79
2. 30-039-20072-0000-0
3. 108 000 000
4. Minel Incorporated
5. PPC #2
6. Ojito Sec 6 T25N R3W N M P M
7. Rio Arriba NM
8. 4.3 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Co

1. 80-02593/NM-2982-79
2. 30-039-21545-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache J No 29
6. Axi Apache Area
7. Rio Arriba NM
8. 37.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02594/NM-2740-79
2. 30-039-06547-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins NC 4
6. South Blanco (Picture Cliffs)
7. Rio Arriba NM
8. 16.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02595/NM-2739-79
2. 30-039-06454-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins 2-X
6. South Blanco (Picture Cliffs)
7. Rio Arriba NM
8. 5.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02596/NM-2737-79
2. 30-045-06895-0000-0
3. 108 000 000
4. Depco Inc
5. Hancock No 11
6. West Kutz (Picture Cliffs)
7. San Juan NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02597/NM-2738-79
2. 30-039-06474-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins No 3
6. South Blanco (Picture Cliffs)
7. Rio Arriba NM
8. 10.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02598/NM-2736-79
2. 30-039-06674-0000-0
3. 108 000 000
4. Depco Inc
5. MKL No 2
6. South Blanco (Picture Cliffs)
7. Rio Arriba NM
8. 17.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02599/NM-2735-79
2. 30-045-06931-0000-0
3. 108 000 000
4. Depco Inc
5. (Mudge A No 9
6. West Kutz (Picture Cliffs)
7. San Juan NM
8. 1.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02600/NM-2734-79
2. 30-039-06632-0000-0
3. 108 000 000
4. Depco Inc
5. MKL No 10

6. South Blanco (Picture Cliffs)
7. Rio Arriba NM
8. 18.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company

1. 80-02601/NM-3007-79
2. 30-041-20178-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #15
6. Axi Apache Area
7. Rio Arriba NM
8. 15.3 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico C-4787

1. 80-02602/NM-3006-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #7
6. Axi Apache Area
7. Rio Arriba NM
8. 2.3 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02603/NM-3005-79
2. 30-039-21541-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache "J" #30
6. Axi Apache Area
7. Rio Arriba NM
8. 19.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02604/NM-3003-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #15
6. Axi Apache Area
7. Rio Arriba NM
8. 13.7 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02605/NM-3011-79
2. 30-039-05649-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No 5
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp

1. 80-02606/NM-3010-79
2. 30-039-5618-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No 4
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp

1. 80-02607/NM-3009-79
2. 30-039-05648-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No 3
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp

1. 80-02608/NM-3008-79
2. 30-039-60020-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No 2
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp

1. 80-02620/NM-3012-79
2. 30-039-05645-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No 6
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp

1. 80-02633/NM-2901-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache #1
6. Axi Apache Area
7. Rio Arriba NM
8. 2.9 million cubic feet
9. October 16, 1979
10. Gas Co of N M (C-4787)

1. 80-02634/NM-2899-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache O #8
6. Axi Apache Area
7. Rio Arriba NM
8. 11.4 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02638/NM-2897-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #1
6. Axi Apache Area
7. Rio Arriba NM
8. 14.2 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02636/NM-2898-79
2. 30-039-20179-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #14
6. Axi Apache Area
7. Rio Arriba NM
8. 18.4 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02638/NM-2894-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sholes A #3
6. New Mexico Federal Unit
7. Lea NM
8. 2.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas (C-26)

1. 80-02639/NM-2903-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Meyer B-31A #3

6. New Mexico Federal Unit
7. Lea NM
8. 3.2 million cubic feet
9. October 16, 1979
10. Phillips Petroleum Co (C-257)

1. 80-02640/NM-2987-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Elliott B-15 #1
6. New Mexico Federal Unit
7. Lea NM
8. 16.3 million cubic feet
9. October 16, 1979
10. Getty Oil Co (C-112)

1. 80-02641/NM-2988-79
2. 30-039-21543-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache J #32
6. Axi Apache Area
7. Rio Arriba NM
8. 2.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico

1. 80-02642/NM-2990-79
2. 30-025-25562-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry-Bty 1 No 48
6. Blinebry Oil and Gas
7. Lea NM
8. 37.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Company

1. 80-022643/NM-2991-79
2. 30-039-20362-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #16
6. Axi Apache Area
7. Rio Arriba NM
8. 16.3 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)

1. 80-02644/NM-2992-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sanderson B-14 #2
6. New Mexico Federal Unit
7. Lea NM
8. 10.4 million cubic feet
9. October 16, 1979
10. Warren Petroleum (C-139)

1. 80-02645/NM-2993-79
2. 30-025-25854-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb #51
6. Warren Tubb (Oil)
7. Lea NM
8. 1.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corp

1. 80-02646/NM-2994-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. MCA Unit No 77
6. Baish-Maljamar-Pearsall
7. Lea NM
8. .9 million cubic feet
9. October 16, 1979

10. Transwestern Pipeline Co (C-4497) Gas  
Co of New Mexico Mescalero Ridge Coop

1. 80-02647/NM-2927-79B
2. 30-025-25828-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No.47
6. Warren Tubb (Oil)
7. Lea NM

8. 8.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum

1. 80-02648/NM-2999-79
2. 30-039-00000-0000-0
3. 108 000 000

4. Continental Oil Company
5. Axi Apache H #10
6. Axi Apache Area
7. Rio Arriba NM
8. 5.5 million cubic feet
9. October 16, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02649/NM-3002-79
2. 30-034-00000-0000-0
3. 108 000 000

4. Continental Oil Company
5. Axi Apache J No 12
6. Axi Apache Area
7. Rio Arriba NM
8. 7.5 million cubic feet
9. October 16, 1979

10. Gas Company of New Mexico

1. 80-02650/NM-3000-79
2. 30-039-00000-0000-0
3. 108 000 000

4. Continental Oil Company
5. Axi Apache K #3
6. Axi Apache Area
7. Rio Arriba NM
8. 10.5 million cubic feet
9. October 16, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02651/NM-3002-79
2. 30-039-00000-0000-0
3. 108

4. Continental Oil Company
5. Axi Apache J #12
6. Axi Apache Area
7. Rio Arriba NM
8. 5.5 million cubic feet
9. October 16, 1979

10. Gas Company of New Mexico

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18-CFR 275.204, file a protest with the Commission on or before November 23, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-24733 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-38]

**State of Montana and True Oil Co.;  
Final Order on Jurisdictional Agency  
Determinations**

October 26, 1979.

In the matter of State of Montana  
§ 102 NGPA Determination True Oil Co.  
Consolidated State #42-20 (JD79-4818),  
Burlington Northern #42-1 (JD79-4821).

On July 28, 1979, the Commission issued a Notice of Preliminary Finding that the determinations made by the Montana Board of Oil and Gas Conservation that natural gas produced from separate pools<sup>1</sup> in the Red River reservoir from two True Oil Company wells (True)<sup>2</sup> qualifies as "new natural gas" under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.*, was not supported by substantial evidence in the record on which the determination was based.

Section 102(c)(1)(C)(ii), the Behind-the-Pipe Exclusion, provides the basis for the Notice of Preliminary Finding. The exclusion states that a reservoir shall not qualify as a new, onshore reservoir if (1) the reservoir was penetrated before April 20, 1977, by an old well from which natural gas or crude oil was produced in commercial quantities (whether or not such production was from such reservoir); and (2) natural gas could have been produced in commercial quantities from such reservoir through such old well before April 20, 1977.

**Case History**

The record before the Commission shows that the Consolidated State #42-20 well (Consolidated) was spudded on July 30, 1976 and was completed as an oil well on October 1, 1976. The well produced crude oil in commercial quantities before April 20, 1977. The casinghead gas produced in conjunction with the oil was vented.<sup>3</sup>

The record before the Commission shows that the Burlington Northern #42-

1 well (Burlington) was spudded on August 30, 1976 and was completed as an oil well on November 14, 1976. The well produced crude oil in commercial quantities before April 20, 1977. The casinghead gas produced in conjunction with the oil was vented.<sup>4</sup>

Oil was produced from the Consolidated well and the Burlington well in commercial quantities before April 20, 1977, thus meeting the first prong of the behind the pipe exclusion. Gas was vented from the Consolidated well and the Burlington well which proves the physical capability of the wells to produce, thus meeting the second prong of the behind the pipe exclusion. Based on these factors, the Commission issued a Notice of Preliminary Finding that the determinations should be reversed.

Pursuant to § 275.202(d) of the Commission's regulations, an informal conference was requested and comments were filed by True on September 13, 1979. An informal conference was held with the Commission staff on September 14, 1979. Under protest, True informally sent additional comments and economic data to Commission staff on October 15, 1979.

**The Behind-the-Pipe Exclusion**

At the time Montana's determinations were made on the Consolidated and Burlington wells, the Commission interpreted the second prong of the behind-the-pipe exclusion as only requiring the application of a physical capability test. Under this interpretation, neither of the subject pools (reservoirs) would qualify under section 102(c)(1)(C) as new onshore reservoirs, because in both cases oil was produced in commercial quantities from old wells and gas was vented from such wells.

However, in a final order issued on September 28, 1979 in GP 79-27,<sup>5</sup> the Commission concluded that both a physical and an economic test must be applied to the second prong of the behind-the-pipe exclusion.

<sup>1</sup> "Natural gas was vented in December, 1976 and in March, 1977 to permit testing of the well. The well was subsequently shut in, with no gas or oil production until three miles of a gas gathering system were built. Production resumed in May, 1977."

<sup>2</sup> "While the flaring of casinghead gas demonstrates the physical capability of the reservoir to produce, the remote location and minimal productive capacity of the State 1-18-3D well, as well as the sourness of the gas, demonstrate that the economic test is not met and that the Behind the Pipe exclusion of section 102(c)(1)(C)(ii) does not apply. Therefore, the Commission believes that natural gas could not have been produced in commercial quantities from the Little Knife-Madison Reservoir through any of the four subject wells prior to April 20, 1977."

<sup>3</sup> These "pools" are in fact separate "reservoirs" as that term is defined in section 2(a) of the NGPA.

<sup>4</sup> Consolidated State #42-20 (JD79-4818), Burlington Northern #42-1 (JD79-4821).

<sup>5</sup> Natural gas was vented from November, 1976 to January, 1977 to permit testing of the well. The well was subsequently shut in, with no gas or oil production until thirty-six miles of a gas-gathering system and a gas processing plant were built. Production resumed in May, 1978.

Therefore, a reservoir falls within the behind-the-pipe exclusion if (1) the reservoir was penetrated before April 20, 1977 by an old well from which natural gas or oil was produced in commercial quantities; (2) the reservoir was physically capable of natural gas production through such old well before April 20, 1977<sup>6</sup> and (3) such natural gas could have been produced in commercial quantities as determined by the application of an economic test.

#### *Consolidated State No. 42-20*

On the basis of review of the record submitted by Montana, we find that gas produced from the subject pool through the Consolidated well qualifies under the new onshore reservoir category. While this subject well is an old well which produced oil in commercial quantities before April 20, 1977 and the physical capability test has been met (gas having been vented from the well prior to April 20, 1977), natural gas could not have been produced in commercial quantities before April 20, 1977 as shown by a review of general economic considerations. Specifically, the remoteness of the well necessitated building thirty-six miles of gathering lines and a gas processing plant. Also the evidence in the record demonstrates that the well has a very low productive capacity. Finally, the Commission points out that a gas purchase contract was signed on October 20, 1977 with Montana Dakota Utilities. It took one and one half years to build a gas gathering line and processing plant, with actual production beginning on May 5, 1978. These factors lead the Commission to the conclusion that natural gas could not have been produced in commercial quantities from the subject reservoir through the Consolidated well prior to April 20, 1977.

#### *Burlington Northern No. 42-1*

On the basis of review of the record submitted by Montana, it is the Commission's belief that gas produced from the subject pool through the Burlington well does not qualify under the new onshore reservoir category. In this case the subject well is also an old well which produced oil in commercial quantities before April 20, 1977 and which met the physical capability test (gas having been vented from the well prior to April 20, 1977), but in this case natural gas could have been produced from the well in commercial quantities before April 20, 1977 as shown by a review of general economic considerations. Specifically, a gas

purchase contract was signed on July 6, 1976 with Montana Dakota Utilities. Surface production equipment and a gas gathering line were installed from January, 1977 to May, 1977. Actual production began on May 7, 1977. Gas from the Burlington well was committed to market prior to April 20, 1977. Just seventeen days after the statutory cutoff date of April 20, 1977, Burlington gas was in actual production. Therefore, based on the above referenced facts we find that Burlington gas could have been produced in commercial quantities before April 20, 1977.

The Commission recognizes that True may not have had sufficient time to develop the economic data in the record of this docket. Therefore, as to natural gas produced from the Burlington Northern No. 42-1 well, the Commission will reverse Montana's determination without prejudice to True reapplying for a section 102 determination. Moreover, the Commission finds good cause to waive §§ 273.204(a) and 273.203(b)(2)(II) of the regulations in order to permit True to make interim collections of the section 102 price subject to the conditions of § 273.202 and to permit True to retroactively collect the section 102 price for natural gas deliveries from the date the subject application was filed if a reapplication results in a final determination that the subject reservoir qualifies as a new, onshore reservoir under section 102 of the NGPA.

Thus, the Commission finds that the determination by Montana that natural gas produced from the subject pool through the Consolidated State No. 42-20 well qualifies as new natural gas under section 102 of the NGPA is supported by substantial evidence in the record. However, the Commission finds that substantial evidence does not exist to support Montana's determination that natural gas produced from the subject pool through the Burlington Northern No. 42-1 well qualifies as new natural gas under section 102 of the NGPA.

*The Commission Orders:* Pursuant to 18 CFR § 275.202(e), Montana's determination that natural gas produced from the subject pool through the Consolidated State No. 42-20 well qualifies as new natural gas under section 102(c)(1)(C) of the NGPA is affirmed and Montana's determination that natural gas produced from the subject pool through the Burlington Northern No. 42-1 well similarly so qualifies is reversed.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34369 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP80-7]

#### **Mountain Fuel Supply Co.; Application**

October 22, 1979.

Take notice that on October 1, 1979, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP80-7 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 150,000 Mcf per day of natural gas for Columbia Gas Transmission Corporation (Columbia Gas) and up to 150,000 Mcf per day of natural gas for Natural Gas Pipeline Company of America (natural) and further authorizing the construction and operation of related transmission facilities necessary to effectuate the proposed transportation service, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The application indicates that in Docket No. CP79-80 three joint applicants proposed the construction and operation of an 840-mile pipeline facility to be known as the Trailblazer System. This system is intended to operate as an integrated facility, but is composed of three distinct segments, each having different ownership and operating interests.

By application filed on February 6, 1979, in Docket No. CP79-176, Mountain Fuel proposed to transport and exchange up to 304,030 Mcf per day of natural gas for the Trailblazer applicants and to construct and operate the necessary facilities to interconnect the system of Mountain Fuel with the existing system of Colorado Interstate Gas Company (CIG), and as required with the CIG segment of the Trailblazer system.

On April 25, 1979, Mountain Fuel entered into an agreement with CIG, Columbia Gulf Transmission Company (Columbia Gulf) and Natural by which Mountain Fuel became a participant in the Trailblazer system. A subsidiary of Mountain Fuel would become a one-fourth interest partner in the Overthrust Pipeline Company (Overthrust) and would be responsible for constructing and operating the Overthrust segment of the Trailblazer system.

By amendment filed May 23, 1979, Natural, CIG, and Columbia Gulf, have included Mountain Fuel or a subsidiary

<sup>6</sup>The absence of facilities alone is insufficient to be disqualified under the physical capability test.



as a partner in Overthrust and have agreed that certain revisions in the western and central segments of the Trailblazer system would be made. As a result of the participation of Mountain Fuel, the Overthrust pipeline segment is to be owned by a partnership consisting of Mountain Fuel Resources, Inc. (Resources) a subsidiary of Mountain Fuel, CIG Gas Supply Company, a subsidiary of CIG, Columbia Gulf, and Natural-Overthrust, Inc., a subsidiary of Natural Resources, rather than CIG, would construct and operate the revised Overthrust pipeline. The route changes would provide a more economical and efficient design permitted by the participation of Mountain Fuel and the use of Mountain Fuel's existing pipeline facilities and right-of-way.

Mountain Fuel has agreed to transport for the accounts of Columbia Gas and Natural, using Mountain Fuel's existing transmission facilities, and certain new facilities, a combined volume of natural gas of up to 300,000 Mcf per day. In order to effectuate the proposed service Mountain Fuel proposes to construct and operate the following new facilities:

1. Approximately 0.28 mile of 20-inch exchange pipeline to interconnect the proposed new compressor facilities (Rock Springs Compressor Plant) at Mountain Fuel's existing Nightingale Compressor Station and the CIG segment, located in Sweetwater County, Wyoming.

2. A new exchange compressor plant (Rock Springs) totalling approximately 5,300 BHP to be located at Mountain Fuel's existing Nightingale Compressor Station to enable Mountain Fuel to deliver natural gas to the CIG segment, located in Sweetwater County, Wyoming.

3. Minor modifications to Mountain Fuel's existing Eakin Compressor Station to permit the two-way flow of natural gas through the station which is located in Uinta County, Wyoming.

4. Miscellaneous metering, regulating, and other appurtenant facilities as may be required.

The proposed facilities would cost approximately \$7,477,000 which would be financed by funds on hand or by short-term borrowing.

Pursuant to the gas transportation agreements, Natural, and Columbia Gas would deliver to Mountain Fuel for transportation all volumes of natural gas obtained by Natural or Columbia Gas which can be connected to Mountain Fuel's existing natural gas transmission system. The volumes subject to the gas transportation agreements would be delivered to Mountain Fuel at point(s) of receipt to be mutually agreed upon. Mountain Fuel would receive such

volumes as are delivered by Natural and Columbia Gas and would redeliver equivalent volumes at the proposed Rock Springs point of interconnection between the facilities of Mountain Fuel and the CIG segment. The Rock Springs delivery point is located in Sweetwater County, Wyoming, near the site of Mountain Fuel's existing Nightingale Compressor Station and Kanda delivery point; the latter is utilized for the exchange of gas between Mountain Fuel and CIG.

The application asserts that the gas transportation agreement is for a primary term of fifteen years commencing on January 1 following the date of initial delivery, and from year-to-year thereafter. Mountain Fuel estimates that the initial volumes of gas to be transported pursuant to the gas transportation agreements are 93,254 Mcf per day for Natural and 36,926 Mcf per day of Columbia Gas, for a total of 130,180 Mcf per day.

Mountain Fuel proposes to charge Natural and Columbia Gas a system-wide transportation rate of 15.0 cents per Mcf for natural gas delivered to Mountain Fuel for delivery to the Rock Springs delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mountain Fuel to appeal or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34370 Filed 11-6-79; 8:43 am]

BILLING CODE 6450-01-M

[Docket No. ER79-92 and ER79-93]

## New England Power Co.; Compliance Filing

October 25, 1979.

The filing company submits the following:

Take notice that New England Power Company ("NEP") on October 15, 1979, tendered for filing a Compliance Report of refunds made in conjunction with NEP's W-1 Settlement Agreement. Said Settlement Agreement was accepted for filing by this Commission by its Letter Order issued September 16, 1979.

NEP states that the refunds under Settlement Agreement were made to all affected Customers on September 28, 1979.

Copies of the filing were served upon all Customers, the affected State Regulatory Commissions and the Service List compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34371 Filed 11-6-79; 8:43 am]

BILLING CODE 6450-01-M

[Docket Nos. E-7690, ER79-238]

**New England Power Pool; Order Rejecting Application for Rehearing**

October 25, 1979.

On August 27, 1979, the Commission rejected a proposed compliance filing submitted by the New England Power Pool (NEPOOL) and order NEPOOL to resubmit within 90 days a revised Section 9.4(d) in accordance with Commission Opinion Nos. 775 and 775-A. On September 26, 1979, NEPOOL applied for rehearing of the Commission order on the grounds the Commission erroneously interpreted its orders, and that the proposed compliance filing was not in conflict with Opinion Nos. 775 and 775-A. NEPOOL requested modification of the Commission's order of August 27, 1979 that it submit a revised Section 9.4(d) in a separate filing. It also questioned the Commission's authority to reject a proposed filing five months after it is submitted and four months after its proposed effective date.

NEPOOL supports its assertion that this Commission has misinterpreted its prior decisions by pointing out that the Commission brief to the United States Court of Appeals for the District of Columbia Circuit stated, "Nothing in the Opinion [No. 775] precludes use of a 1 percent threshold tolerance, if it is justified, in a modified provision." This in no way negates the Commission's finding in the above-mentioned opinions that the use of a percentage threshold appears unduly discriminatory against small participants on the record that presently exists. The brief merely reaffirms that NEPOOL is not forever barred from submitting for filing a proposed deficiency charge which is based upon a percentage threshold if it can substantiate the validity of its use. However, no such showing has been made in this proceeding.

Nor would it be appropriate to attempt a new rate filing in these proceedings, because this is a compliance filing. NEPOOL's instant responsibility is to file a new section 9.4(d) in compliance with the Commission's August 27, 1979 order disallowing a percentage threshold deficiency charge.

We note that the August 27, 1979 order contained a full discussion of the requirements of Opinion Nos. 775 and 775-A as they relate to Section 9.4(d). Good cause has not been shown to reconsider that issue nor to alter the directive contained in that order requiring the resubmittal of a revised Section 9.4(d). Finally, there is no legal basis for challenging the validity of the

Commission rejection of the proposed compliance filing.

*The Commission orders:*

The application of the New England Power Pool for rehearing of the Commission's order of August 27, 1979 rejecting the proposed compliance filing, is hereby denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34372 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 103]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

**New Mexico Department of Energy and Minerals, Oil Conservation Division**

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01523
2. 30-015-22886
3. 103
4. Cities Service Co
5. Villa a Com #1
6. Undes N Loving-Morrow Gas
7. Eddy NM
8. 550.0 million cubic feet
9. October 9, 1979
10. El Paso Natural Gas Co

1. 80-01524
2. 30-005-00000
3. 103
4. El Ran Inc
5. Roberts #4 NM Prod Unit #17163
6. Chaveroo (San Adres)
7. Chaves NM
8. 16.0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01525
2. 30-015-22272
3. 103
4. Yates Petroleum Corp
5. Yates As Fee No 5-Y
6. Penasco Draw (Yeso-Sa)
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01526

2. 30-015-22174
3. 103
4. Yates Petroleum Corporation
5. Penasco IW No 1
6. Penasco Draw SA-Yeso
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01527
2. 30-015-22306
3. 103
4. Yates Petroleum Corporation
5. Yates IQ No 1
6. Und Yeso
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01528
2. 30-015-22322
3. 103
4. Yates Petroleum Corporation
5. White IU No. 1
6. Und Yeso
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01529
2. 30-015-22278
3. 103
4. Yates Petroleum Corporation
5. Wilkinson Az No 4
6. Penasco Draw (Yeso-Sa)
7. Eddy NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co

**West Virginia Department of Mines, Oil and Gas Division**

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01530
2. 47-087-00903
3. 108
4. Roy G Hildreth
5. Burley Carpenter #2 55-6031264
6. Triplett
7. Roane WV
8. .3 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01531
2. 47-087-009399
3. 108
4. Roy G Hildreth
5. Carl J Nutter well #4 55-6031288
6. Triplett
7. Roane WV
8. 4.7 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01532
2. 47-087-00956
3. 108

4. Roy G Hildreth
  5. Robert Short Well #1 55-6031281
  6. Triplett
  7. Roane WV
  8. .4 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01533
  2. 47-087-00964
  3. 108
  4. Roy G Hildreth
  5. Carl J Nutter Well #3 55-6030992
  6. Triplett
  7. Roane WV
  8. 1.5 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01534
  2. 47-087-00990
  3. 108
  4. Roy G Hildreth
  5. Carl J Nutter Well #5 55-06030994
  6. Triplett
  7. Roane WV
  8. 2.8 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01535
  2. 47-087-01065
  3. 108
  4. Roy G Hildreth
  5. J L Pursley Well #1 55-6031059
  6. Triplett
  7. Roane WV
  8. 1.5 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01536
  2. 47-087-01066
  3. 108
  4. Roy G Hildreth
  5. Carl J Nutter Well #7 55-6031287
  6. Triplett
  7. Roane WV
  8. 2.8 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01537
  2. 47-087-01209
  3. 108
  4. Roy G Hildreth
  5. Carl J Nutter Well #8 55-6031286
  6. Triplett
  7. Roane
  8. 2.8 million cubic feet
  9. October 9, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01538
  2. 47-087-00943
  3. 108
  4. Sinstar Development Co (R C Starr)
  5. King Well #1 55-6037486
  6. Left Hand
  7. Roane WV
  8. 4.3 million cubic feet
  9. October 9, 1979
  10. Columbia Gas Transmission Corp
  1. 80-01539
  2. 47-087-00950
  3. 108
  4. Sinstar Development Co (R C Starr)
  5. Helmick Well #1 55-6037492
  6. Left Hand
  7. Roane WV
  8. 4.2 million cubic feet
9. October 9, 1979
  10. Columbia Gas Transmission Corp
  1. 80-01540
  2. 47-109-00117
  3. 108
  4. Consolidated Gas Supply Corp
  5. Newriver & Poca Coal Co 9019
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 8.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01541
  2. 47-109-00373
  3. 108
  4. Consolidated Gas Supply Corp
  5. Conrad B Litz 9714
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 7.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01542
  2. 47-109-00367
  3. 108
  4. Consolidated Gas Supply Corp
  5. Loup Crk Colliery Co 9681
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 7.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01543
  2. 47-109-00364
  3. 108
  4. Consolidated Gas Supply Corp
  5. Agnes Newman Wittenburg 9655
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 3.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01544
  2. 47-109-00328
  3. 108
  4. Consolidated Gas Supply Corp
  5. Poca Land Corp 9364
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. .7 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01545
  2. 47-109-00303
  3. 108
  4. Consolidated Gas Supply Corp
  5. Loup Crk Colliery Co 9288
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 1.5 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01546
  2. 47-109-00275
  3. 108
  4. Consolidated Gas Supply Corp
  5. A R Wittenberg 9245
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 4.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01547
  2. 47-109-00269
3. 108
  4. Consolidated Gas Supply Corp
  5. C C Hedrick 9239
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 3.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01548
  2. 47-109-00165
  3. 108
  4. Consolidated Gas Supply Corp
  5. Agnes N Wittenberg 9092
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 1.5 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01549
  2. 47-109-00163
  3. 108
  4. Consolidated Gas Supply Corp
  5. Loup Crk Colliery Co 9058
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. 5.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01550
  2. 47-109-00181
  3. 108
  4. Consolidated Gas Supply Corp
  5. Julia W Jennings 9113
  6. Pineville Field Area A-59442
  7. Wyoming WV
  8. .4 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01551
  2. 47-081-00175
  3. 108
  4. Consolidated Gas Supply Corp
  5. James R Trump 9426
  6. Pineville Field Area A-59442
  7. Raleigh WV
  8. 7.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01552
  2. 47-081-00174-D
  3. 108
  4. Consolidated Gas Supply Corp
  5. Mary E Gray 9424
  6. Pineville Field Area A-59442
  7. Raleigh WV
  8. 3.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01553
  2. 47-081-00172-D
  3. 108
  4. Consolidated Gas Supply Corp
  5. Guy Bolt 9405
  6. Pineville Field Area A-59442
  7. Raleigh WV
  8. 3.0 million cubic feet
  9. October 9, 1979
  10. General System Purchasers
  1. 80-01554
  2. 47-081-00164-D
  3. 108
  4. Consolidated Gas Supply Corp
  5. Francis W File 9395
  6. Pineville Field Area A-59442
  7. Raleigh WV

8. 4.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01555  
 2. 47-081-00160  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Douglas Bowers 9376  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 6.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01558  
 2. 47-081-00158  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Thurman Daniel 9373  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 8.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01557  
 2. 47-081-00155  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. O J Harvey 9369  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 1.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01558  
 2. 47-081-00154  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Lucinda E Walker 9361  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 3.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01559  
 2. 47-081-00103  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. H G Farmer 9164  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 6.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01560  
 2. 47-081-00105  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Thomas Farmer 9165  
 6. Pineville Field Area A-59442  
 7. Raleigh WV  
 8. 12.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01561  
 2. 47-047-00223  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Peoples First Nat Bank 10327  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 4.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01562

2. 47-047-00394  
 3. 108 Denied  
 4. Consolidated Gas Supply Corp  
 5. Olga Coal Co 10955  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 7.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01563  
 2. 47-047-00300  
 3. 108 Denied  
 4. Consolidated Gas Supply Corp  
 5. Olga Coal Co 10738  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 8.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01564  
 2. 47-047-00567  
 3. 108 Denied  
 4. Consolidated Gas Supply Corp  
 5. Poca Land Corp 11507  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 8.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01565  
 2. 47-047-00513  
 3. 108 Denied  
 4. Consolidated Gas Supply Corp  
 5. Olga Coal Co 11396  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 7.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01566  
 2. 47-047-00143  
 3. 108 Denied  
 4. Consolidated Gas Supply Corp  
 5. Crozer Land Assn 9800  
 6. Pineville Field Area A-59442  
 7. McDowell WV  
 8. 4.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01567  
 2. 47-045-00652  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. W W McDonald Land Co 10048  
 6. Pineville Field Area A-59442  
 7. Logan WV  
 8. 5.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01568  
 2. 47-045-00561  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. S E McDonald 10005  
 6. Pineville Field Area A-59442  
 7. Logan WV  
 8. 6.0 million cubic feet  
 9. October 9, 1979  
 10. General System Purchasers  
 1. 80-01569  
 2. 47-045-00556  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Pattie H Feamster 9997  
 6. Pineville Field Area A-59442

7. Logan WV  
 8. 7.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01570  
 2. 47-021-01755  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Helmick-Moore 10773  
 6. West Virginia Other A-85772  
 7. Gilmer WV  
 8. 6.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01571  
 2. 47-021-01940  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Okey Stalnaker 10983  
 6. West Virginia Other A-85772  
 7. Gilmer WV  
 8. 8.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01572  
 2. 47-041-01374  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Guy Bush 10667  
 6. West Virginia Other A-85772  
 7. Lewis WV  
 8. 2.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01573  
 2. 47-041-01377  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. J C Allman 10678  
 6. West Virginia Other A-85772  
 7. Lewis WV  
 8. 6.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01574  
 2. 47-041-01391  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. Leland L Gould 10683  
 6. West Virginia Other A-85772  
 7. Lewis WV  
 8. 12.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01575  
 2. 47-001-00189  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. W Corder Teter 10668  
 6. West Virginia Other A-85772  
 7. Barbour WV  
 8. 3.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01574  
 2. 47-001-00262  
 3. 108  
 4. Consolidated Gas Supply Corp  
 5. George S White 10766  
 6. West Virginia Other A-85772  
 7. Barbour WV  
 8. 3.0 million cubic feet  
 9. October 9, 1979  
 10. General Systems Purchasers  
 1. 80-01577

- 2. 47-001-00233
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Samuel Miner 10742
- 6. West Virginia Other A-85772
- 7. Barbour WV
- 8. 12.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01578
- 2. 47-001-00214
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. I H McDaniel 10714
- 6. West Virginia Other A-85772
- 7. Barbour WV
- 8. 8.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01579
- 2. 47-033-00092
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. James A Griffin 2301
- 6. West Virginia Other A-85772
- 7. Harrison WV
- 8. 5.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01580
- 2. 47-001-00327
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. G Baucham 10869
- 6. West Virginia Other A-85772
- 7. Barbour WV
- 8. 3.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01581
- 2. 47-001-00340
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. H A McCoy 10881
- 6. West Virginia Other A-85772
- 7. Barbour WV
- 8. 8.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01582
- 2. 47-001-00355
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Edna McCauley 10917
- 6. West Virginia Other A-85772
- 7. Barbour WV
- 8. 12.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01583
- 2. 47-033-00554
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. A S Stout 11318
- 6. West Virginia Other A-85772
- 7. Harrison WV
- 8. 13.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01584
- 2. 47-109-00185
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Loup Crk Colliery Co 9121
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 5.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01585
- 2. 47-109-00184-R
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Agnes N Wittenberg 9118
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 4.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01586
- 2. 47-109-00702
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Leola S Damron 11323
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 5.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01587
- 2. 47-109-00612
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Loup CR Colliery Co 10339
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 7.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01588
- 2. 47-109-00609
- 3. 108
- 4. Consolidated Gas Supply Corporation
- 5. Leola S Damron 10335
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 6.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01589
- 2. 47-109-00596
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Leola S Damron 10302
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 4.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01590
- 2. 47-109-00532
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Loup Crk Colliery Co 10219
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 4.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01591
- 2. 47-109-00490
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Leola S Damron 10052
- 6. Pineville Field Area A-59442
- 7. Wyoming WV
- 8. 7.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01592
- 2. 47-045-00312
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. B McDonald Holding Co 9758
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 2.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01593
- 2. 47-045-00301
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Mary C Porter 9724
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 2.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01594
- 2. 47-045-00280
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Naaman Jacobs 9701
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 3.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01595
- 2. 47-045-00247
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. Naaman Jackson 9491
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 1.5 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01596
- 2. 47-045-00239
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. B McDonald Holding Co 9448
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 7.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01597
- 2. 47-045-00236
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. M D Cook 9420
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 7.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01598
- 2. 47-045-00235-R
- 3. 108
- 4. Consolidated Gas Supply Corp
- 5. B McDonald Holding Co 9421
- 6. Pineville Field Area A-59442
- 7. Logan WV
- 8. 5.0 million cubic feet
- 9. October 9, 1979
- 10. General Systems Purchasers
- 1. 80-01599
- 2. 47-045-00231
- 3. 108
- 4. Consolidated Gas Supply Corporation
- 5. B McDonald Holding Co 9410
- 6. Pineville Field Area A-59442

7. Logan, WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01600
2. 47-045-00202
3. 108
4. Consolidated Gas Supply Corporation
5. Mercedes Lusk 9233
6. Pineville Field Area A-59442
7. Logan, WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01601
2. 47-013-00586
3. 108
4. Consolidated Gas Supply Corporation
5. Cora Stump 8539
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01602
2. 47-001-00353
3. 108
4. Consolidated Gas Supply Corporation
5. W Casto 10913
6. West Virginia Other A-85772
7. Barbour, WV
8. 15.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01603
2. 47-041-01378
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Edward O Taylor 10681
6. West Virginia Other A-85772
7. Lewis, WV
8. 13.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01604
2. 47-001-00232
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Lonnie E Wolfe 10741
6. West Virginia Other A-85772
7. Barbour, WV
8. 19.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01605
2. 47-041-00456
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Mintie Jones 10256
6. West Virginia Other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01606
2. 47-041-01858
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Ira P Simmons 11444
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01607
2. 47-097-00772
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Herbert N Swecker 10495
6. West Virginia Other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01608
2. 47-021-00969
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9839
6. West Virginia Other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01609
2. 47-021-01072
3. 108
4. Consolidated Gas Supply Corporation
5. Hunter M Bennett 10028
6. West Virginia Other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01610
2. 47-021-01086
3. 108
4. Consolidated Gas Supply Corporation
5. Burr Furr 10104
6. West Virginia Other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01611
2. 47-013-02007
3. 108
4. Mrs O D Smith
5. Ralph Lane Well #2 55-6032170
6. Nicut
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01612
2. 47-087-01679
3. 108
4. William Dye Riddle
5. Garretson-Riddle #2 55-6040432
6. Richardson
7. Roane, WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Columbia Gas & Transmission Corp
1. 80-01613
2. 47-021-01310
3. 108
4. William Sheppard
5. Allman Well #1 55-6617823
6. Letter Gap
7. Gilmer, WV
8. 3.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01614
2. 47-187-00979
3. 108
4. William Shepard
5. Hess Well #1 34-8629588
6. Linden
7. Roane, WV
8. 2.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01615
2. 47-015-00742
3. 108
4. Roy G Hildreth
5. Mary D Hanshaw #3
6. Walback
7. Clay, WV
8. .0 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01616
2. 47-087-00883
3. 108
4. Roy G Hildreth
5. Burley Carpenter #1 55-6031264
6. Triplett
7. Roane, WV
8. .3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01617
2. 47-013-01467
3. 108
4. W H Hildreth
5. W H Brannon Well #1 55-6033494
6. Orma
7. Calhoun, WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01618
2. 47-013-01508
3. 108
4. W H Hildreth
5. Parsons Heirs #1 55-6033494
6. Orma
7. Calhoun, WV
8. 2.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01619
2. 47-015-00762
3. 108
4. William Shapard
5. Mary D Hanshaw #4 55-6030402
6. Wallback
7. Clay, WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01620
2. 47-013-02479
3. 108
4. William Dye Riddle
5. Russell K Slider #2
6. Pine Creek
7. Calhoun, WV
8. 1.8 million cubic feet
9. October 10, 1979
10. Cabot Corporation
1. 80-01621
2. 47-087-01670
3. 108
4. William Dye Riddle
5. Garretson-Riddle #1
6. Richardson
7. Roane, WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01622

2. 47-097-01370  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-400  
6. Washington District  
7. Upshur, WV  
8. 14.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01623  
2. 47-097-01371  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-431  
6. Union District  
7. Upshur, WV  
8. 6.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01624  
2. 47-097-01373  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-427  
6. Union District  
7. Upshur, WV  
8. .9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01625  
2. 47-097-01376  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-430  
6. Washington District  
7. Upshur, WV  
8. 4.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01626  
2. 47-097-01378  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-432  
6. Union District  
7. Upshur, WV  
8. 5.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01627  
2. 47-097-01396  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-375  
6. Union District  
7. Upshur, WV  
8. 8.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01628  
2. 47-097-01400  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-442  
6. Washington District  
7. Upshur, WV  
8. 7.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01629  
2. 47-097-01420  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-445  
6. Washington District

7. Upshur WV  
8. 5.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01630  
2. 47-097-01421  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-452  
6. Washington District  
7. Upshur WV  
8. 10.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01631  
2. 47-033-00910  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-530  
6. Union District  
7. Harrison WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01632  
2. 47-041-01628  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-362  
6. Hackers Creek District  
7. Lewis WV  
8. .2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01633  
2. 47-033-00914  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-531  
6. Union District  
7. Harrison WV  
8. 12.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01634  
2. 47-033-00918  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-540  
6. Grant District  
7. Harrison WV  
8. 12.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01635  
2. 47-033-00927  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-555  
6. Union District  
7. Harrison WV  
8. 15.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01636  
2. 47-041-01854  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-453  
6. Freemans Creek Dist  
7. Lewis WV  
8. 2.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01637

2. 47-041-01820  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-438  
6. Freemans Creek Dist  
7. Lewis WV  
8. 9.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01638  
2. 47-041-01711  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-390  
6. Hackers Creek District  
7. Lewis WV  
8. .2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01639  
2. 47-041-01710  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-389  
6. Hackers Creek District  
7. Lewis WV  
8. .2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01640  
2. 47-041-01692  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-382  
6.  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01641  
2. 47-041-01691  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-381  
6. Freemans Creek District  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01642  
2. 47-041-01690  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-380  
6. Freemans Creek District  
7. Lewis WV  
8. 20.7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01643  
2. 47-015-00722  
3. 108 denied  
4. W Howard Taylor Agent  
5. Eakle #3 47-015-0722  
6. Maysel  
7. Clay WV  
8. 23.3 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01644  
2. 47-041-02033  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-566  
6. Collins Settlement

7. Lewis WV  
8. 2.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01845  
2. 47-041-01999  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-541  
6. Freemans Creek District  
7. Lewis WV  
8. 4.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01846  
2. 47-041-01982  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-528  
6. Hackers Creek District  
7. Lewis WV  
8. 7.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01847  
2. 47-041-01981  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-524  
6. Hackers Creek District  
7. Lewis WV  
8. 5.8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01848  
2. 47-041-01980  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-525  
6. Hackers Creek District  
7. Lewis WV  
8. 10.3 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01849  
2. 47-041-01979  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-527  
6. Hackers Creek District  
7. Lewis WV  
8. 11.4 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01850  
2. 47-041-01978  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-523  
6. Court House District  
7. Lewis WV  
8. 5.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01851  
2. 47-041-01889  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-457  
6. Freemans Creek District  
7. Lewis WV  
8. 2.5 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01852

2. 47-041-01868  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-456  
6. Freemans Creek Dist  
7. Lewis WV  
8. 1.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01853  
2. 47-015-00573  
3. 108  
4. W Howard Taylor Agent  
5. Gorrell 47-015-0573  
6. Maysel  
7. Clay WV  
8. 2.8 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01854  
2. 47-015-00567  
3. 108  
4. W Howard Taylor  
5. Reed #2 47-015-0567  
6. Maysel  
7. Clay WV  
8. 1.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01855  
2. 47-015-00561  
3. 108  
4. W Howard Taylor  
5. Reed #3 47-015-0561  
6. Maysel  
7. Clay WV  
8. 1.7 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01856  
2. 47-015-00558  
3. 108  
4. W Howard Taylor Agent  
5. Reed #1 47-015-0558  
6. Maysel  
7. Clay WV  
8. 1.3 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01857  
2. 47-015-00718  
3. 108 denied  
4. W Howard Taylor Agent  
5. King #2 47-015-0718  
6. Maysel  
7. Clay WV  
8. 50.7 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01858  
2. 47-017-01612  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-424  
6. Southwest  
7. Doddridge WV  
8. 6.1 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01859  
2. 47-017-01610  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-422  
6. McClellan District

7. Doddridge WV  
8. 5.8 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01860  
2. 47-017-01609  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-420  
6. Grant District  
7. Doddridge WV  
8. 4.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01861  
2. 47-013-02547  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-549  
6. Washington District  
7. Calhoun WV  
8. 7.9 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01862  
2. 47-013-02555  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-570  
6. Washington District  
7. Calhoun WV  
8. 8.6 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01863  
2. 47-013-02496  
3. 108  
4. Allegheny Land & Mineral Co  
5. A-461  
6. Washington District  
7. Calhoun WV  
8. 10.2 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01864  
2. 47-015-00599  
3. 108  
4. W Howard Taylor Agent  
5. Eakle #1 47-015-0599  
6. Maysel  
7. Clay WV  
8. 5.8 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01865  
2. 47-087-00949  
3. 108  
4. VA Roy Hildreth  
5. Lydia Newlon Well #2 55-6031283  
6. Little Creek  
7. Roane WV  
8. 1.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01866  
2. 47-087-01012  
3. 108  
4. VA Roy Hildreth  
5. Deweese Well #1 55-6031017  
6. Little Creek  
7. Roane WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp  
1. 80-01867



2. 47-087-01045
3. 108
4. VA Roy Hildreth
5. M F Tyson Well #2 55-6031274
6. Little Creek
7. Roane WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01668
2. 47-013-01453
3. 108
4. W H Hildreth
5. Cogar Oil & Gas 55-6031780
6. Arnoldsburg
7. Calhoun WV
8. 1.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01669
2. 47-087-00924
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #1 55-6031299
6. Triplett
7. Roane WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01670
2. 47-087-00951
3. 108
4. Sinster Development Co (R C Starr)
5. King Well #2 55-6037484
6. Left Hand
7. Roane WV
8. 3.9 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01671
2. 47-087-01014
3. 108
4. Sinstar Development Co (R C Starr)
5. Trout Well #1 55-6037465
6. Left Hand
7. Roane WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01672
2. 47-087-01085
3. 108
4. Sinstar Development Co R C Starr
5. McCulty Well #1 55-6037468
6. Newton
7. Roane WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01673
2. 47-13-00866
3. 108
4. VA Roy Hildreth
5. Adams & Deel
6. Mt Zion
7. Calhoun WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01674
2. 47-087-00926
3. 108
4. VA Roy Hildreth
5. Lydia Newlon Well #1 55-6031283
6. Little Creek
7. Roane WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01675
2. 47-15-00763
3. 108
4. William Shepard
5. Mary D. Hanshaw #5 34-6617881
6. Wallback
7. Clay WV
8. .8 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01676
2. 47-015-00776
3. 108
4. D C Sutton
5. W M Smith Well #1 55-6031011
- 6.
7. Clay WV
8. .0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Co
1. 80-01677
2. 47-087-00029
3. 108
4. M & R Producing Co
5. G R Riddle #2 55-6031021
6. Little Creek
7. Roane WV
8. 3.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01678
2. 47-087-01011
3. 108
4. M & R Producing Co
5. G R Riddle #1 55-6040561
6. Little Creek
7. Roane WV
8. 3.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01679
2. 47-087-01058
3. 108
4. M & R Producing Co
5. R L McNulty #1
6. Little Creek
7. Roane WV
8. 4.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01680
2. 47-021-00754
3. 108
4. Bruce Foster
5. Goff Summers #2
6. Duck Run
7. Gilmer WV
8. 9.3 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01681
2. 47-013-01997
3. 108
4. Mrs O D Smith
5. Ralph Lane Well #1 55-6030998
6. Nicut
7. Calhoun WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01682
2. 47-021-02047
3. 108
4. Gene Stalnaker
5. Drexell Frame Well #1 55-6045319
6. Letter Gap
7. Gilmer WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01693
2. 47-041-20782
3. 108
4. Dennis D Blauser
5. Worth Linger #1
6. Skin Creek
7. Lewis WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01694
2. 47-041-20784
3. 108
4. Dennis D Blauser
5. J B Stalnaker #1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01695
2. 47-041-10613
3. 108
4. Dennis D Blauser
5. J A Linger #1
6. Skin Creek
7. Lewis WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01696
2. 47-041-20635
3. 108
4. Dennis D Blauser
5. Howard McWhorter #1
6. Skin Creek
7. Lewis WV
8. .5 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01697
2. 47-041-20639
3. 108
4. Dennis D Blauser
5. Dalton Snow #1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01698
2. 47-041-20901
3. 108
4. Dennis D Blauser
5. E B Linger #2
6. Skin Creek
7. Lewis WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01699
2. 47-041-20896
3. 108
4. Dennis D Blauser
5. Laura F Stalnaker #1
6. Skin Creek

7. Lewis WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01700  
2. 47-041-20894  
3. 108  
4. Dennis D Blauser  
5. Della Snow #1  
6. Skin Creek  
7. Lewis WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01701  
2. 47-041-20869  
3. 108  
4. Dennis D Blauser  
5. Agnes L Stalnaker #2  
6. Skin Creek  
7. Lewis WV  
8. 1.5 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01702  
2. 47-041-20840  
3. 108  
4. Dennis D Blauser  
5. Ruth Casto #1  
6. Skin Creek  
7. Lewis WV  
8. 1.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01703  
2. 47-039-21090  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No B-S-62  
6. Malden  
7. Kanawha WV  
8. 5.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp

1. 80-01704  
2. 47-097-20673  
3. 108  
4. Dennis D Blauser  
5. Madge Smith #1  
6. Buckhannon  
7. Upshur WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01705  
2. 47-041-20926  
3. 108  
4. Dennis D Blauser  
5. W G Taylor #1  
6. Skin Creek  
7. Lewis WV  
8. 6.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01706  
2. 47-041-20925  
3. 108  
4. Dennis D Blauser  
5. Glenn Rohr #1  
6. Hackers Creek  
7. Lewis WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01707

2. 47-041-20902  
3. 108  
4. Dennis D Blauser  
5. Ruth Elmer #2  
6. Skin Creek  
7. Lewis WV  
8. .5 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01708  
2. 47-013-00054  
3. 108  
4. Pennzoil Company  
5. McIntyre-Rafferty #3  
6. Sherman  
7. Calhoun WV  
8. .7 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Supply Corp

1. 80-01709  
2. 47-085-20377  
3. 108  
4. Dennis D Blauser  
5. Harry Shatter #2  
6. Clay  
7. Ritchie WV  
8. 2.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01710  
2. 47-085-23655  
3. 108  
4. Dennis D Blauser  
5. Virginia Bailey #1  
6. Union  
7. Ritchie WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01711  
2. 47-085-23651  
3. 108  
4. Dennis D Blauser  
5. E S Taylor #2  
6. Clay  
7. Ritchie WV  
8. 8.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01712  
2. 47-085-23652  
3. 108  
4. Dennis D Blauser  
5. E R Taylor #3  
6. Clay  
7. Ritchie WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01713  
2. 47-085-23547  
3. 108  
4. Dennis D Blauser  
5. A H McGill #3  
6. Union  
7. Ritchie WV  
8. 2.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01714  
2. 47-085-23548  
3. 108  
4. Dennis D Blauser  
5. E M Smith #1  
6. Union

7. Ritchie WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01715  
2. 47-085-23549  
3. 108  
4. Dennis D Blauser  
5. E J Taylor \$1  
6. Clay  
7. Ritchie WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01716  
2. 47-085-23566  
3. 108  
4. Dennis D Blauser  
5. E R Taylor #2  
6. Clay  
7. Ritchie WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01717  
2. 47-021-22514  
3. 108  
4. Dennis D Blauser  
5. R E Davis #1  
6. Dekalb  
7. Gilmer WV  
8. 1.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01718  
2. 47-021-22516  
3. 108  
4. Dennis D Blauser  
5. Haney Hickman #1  
6. Dekalb  
7. Gilmer WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01719  
2. 47-021-22517  
3. 108  
4. Dennis D Blauser  
5. Davidson Hardman #2  
6. Dekalb  
7. Gilmer WV  
8. 2.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01720  
2. 47-021-22548  
3. 108  
4. Dennis D Blauser  
5. Dottie Gainer #1  
6. Dekalb  
7. Gilmer WV  
8. 2.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01721  
2. 47-021-22549  
3. 108  
4. Dennis D Blauser  
5. M E Gainer #2  
6. Dekalb  
7. Gilmer WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company

1. 80-01722

2. 47-021-22734
3. 108
4. Dennis D Blauser
5. O C Davis #2
6. Dekalb
7. Gilmer WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01723
2. 47-067-20365
3. 108
4. Dennis D Blauser
5. Erç & L #5
6. Summersville
7. Nicholas WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01724
2. 47-039-22488
3. 108
4. Spartan Gas Company
5. Kanawha & Hocking Coal & Coke 2-S-15
6. Cabin Creek
7. Kanawha WV
8. 9.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01725
2. 47-039-02522
3. 108
4. Spartan Gas Company
5. Kanawha & Hocking Coal & Coke 5-S-1
6. Cabin Creek
7. Kanawha WV
8. 9.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01726
2. 47-043-20479
3. 108
4. Spartan Gas Company
5. Huntington Development & Gas Co 1-S-
6. Jefferson
7. Lincoln WV
8. .5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01727
2. 47-043-20540
3. 108
4. Spartan Gas Company
5. Huntington Development and Gas Co 2
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01728
2. 47-043-20577
3. 108
4. Spartan Gas Company
5. Huntington Development and Gas Co 3-
6. Jefferson
7. Lincoln WV
8. 1.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-0172
2. 47-043-21425
3. 108
4. Spartan Gas Company
5. H Sanson 1-S-129
6. Ranger
7. Lincoln WV
8. 8.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01730
2. 47-039-21157
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 14-S-73
6. Malden
7. Kanawha WV
8. 7.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01731
2. 47-039-21158
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 15-S-7
6. Malden
7. Kanawha WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01732
2. 47-039-01731
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 16-S-109
6. Malden
7. Kanawha WV
8. 6.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01733
2. 47-039-21887
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 18-S-11
6. Malden
7. Kanawha WV
8. 11.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01734
2. 47-039-01908
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 19-S-114
6. Malden
7. Kanawha WV
8. 6.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01735
2. 47-039-01928
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 20-S-11
6. Malden
7. Kanawha WV
8. 7.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01736
2. 47-039-01938
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 21-S-116
6. Malden
7. Kanawha WV
8. 6.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01737
2. 47-035-00421
3. 108
4. Spartan Gas Company
5. B F Rader 2-S-46
6. Ripley
7. Jackson WV
8. 9.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01738
2. 47-039-20251
3. 108
4. Spartan Gas Company
5. Griffith-Dixon 1-S-1
6. Kenna
7. Kanawha WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01739
2. 47-039-01039
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 1-S-51
6. Malden
7. Kanawha WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01740
2. 47-039-01040
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 2-S-5
6. Malden
7. Kanawha WV
8. 7.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01741
2. 47-039-01064
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 3-S-56
6. Malden
7. Kanawha WV
8. 6.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01742
2. 47-035-20405
3. 108
4. Spartan Gas Company
5. W E Walker 4-S-42
6. Ripley
7. Jackson WV
8. 11.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01743
2. 47-087-00104
3. 108
4. Pennzoil Company
5. Cynthia Douglas #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Transmission Corp
1. 80-01744
2. 47-043-01848
3. 103
4. Pennzoil Company
5. E S Alford #1
6. Duval

7. Lincoln WV  
8. .0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Transmission Corp  
1. 80-01745  
2. 47-043-01777  
3. 103  
4. Pennzoil Company  
5. Byrd-Dunlap-Hamlin Unit #1  
6. Duval  
7. Lincoln WV  
8. .0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01746  
2. 47-043-01771  
3. 103 denied  
4. Pennzoil Company  
5. Carl W Neal #1  
6. Duval  
7. Lincoln WV  
8. .0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Transmission Corp  
1. 80-01747  
2. 47-087-03024-F  
3. 108  
4. Pennzoil Company  
5. B E Rogers #3  
6. Spencer  
7. Roane WV  
8. .0 million cubic feet  
9. October 10, 1979  
10. Consolidated Gas Transmission Corp  
1. 80-01748  
2. 47-079-00828  
3. 108  
4. Spartan Gas Company  
5. The Putnam Company 3-S-180  
6. Midway-Extra  
7. Putnam WV  
8. 16.5 million cubic feet  
9. October 10, 1979  
10. Cabot Corp  
1. 80-01749  
2. 47-035-00346  
3. 108  
4. Spartan Gas Company  
5. W E Walker 1-S-32  
6. Ripley  
7. Jackson WV  
8. 11.1 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01750  
2. 47-035-00379  
3. 108  
4. Spartan Gas Company  
5. W E Walker 2-S-37  
6. Ripley  
7. Jackson WV  
8. 11.1 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01751  
2. 47-039-01065  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 4-S-57  
6. Malden  
7. Kanawha WV  
8. 6.9 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01752

2. 47-039-21080  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 5-S-59  
6. Malden  
7. Kanawha WV  
8. 1.8 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01753  
2. 47-039-21081  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 6-S-60  
6. Malden  
7. Kanawha WV  
8. 2.5 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01754  
2. 47-039-21089  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 7-S-61  
6. Malden  
7. Kanawha WV  
8. 2.2 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01755  
2. 47-039-21105  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 9-S-65  
6. Malden  
7. Kanawha WV  
8. 11.9 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01756  
2. 47-039-21112  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 10-S-67  
6. Malden  
7. Kanawha WV  
8. 4.6 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01757  
2. 47-039-21136  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 12-S-70  
6. Malden  
7. Kanawha WV  
8. 7.2 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01758  
2. 47-039-21139  
3. 108  
4. Spartan Gas Company  
5. Blue Creek Coal and Land No 11-S-69  
6. Malden  
7. Kanawha WV  
8. 4.4 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01759  
2. 47-109-00787  
3. 103  
4. Ravencliffs Development Co  
5. Y & O Coal Co-78  
6. Ravencliff

7. Wyoming, WV  
8. 68.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Transmission Corp  
1. 80-01760  
2. 47-017-21811  
3. 108  
4. Dennis D Blauser  
5. J L Carr No. 1  
6. Grant  
7. Doddridge, WV  
8. 3.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01761  
2. 47-017-21812  
3. 108  
4. Dennis D Blauser  
5. D L Dotson No. 1  
6. West Union  
7. Doddridge, WV  
8. 12.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01762  
2. 47-017-21813  
3. 108  
4. Dennis D Blauser  
5. H T Davis No. 2  
6. West Union  
7. Doddridge, WV  
8. 5.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01763  
2. 47-017-21816  
3. 108  
4. Dennis D Blauser  
5. J B Smith No. 1  
6. West Union  
7. Doddridge, WV  
8. 10.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01764  
2. 47-021-22364  
3. 108  
4. Dennis D Blauser  
5. Q K Kelley No. 2  
6. Dekalb  
7. Gilmer, WV  
8. 8.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01765  
2. 47-017-21774  
3. 108  
4. Dennis D Blauser  
5. W Brent Maxwell No. 2  
6. Southwest  
7. Doddridge, WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01766  
2. 47-017-21775  
3. 108  
4. Dennis D Blauser  
5. W Brent Maxwell No. 3  
6. Southwest  
7. Doddridge, WV  
8. 4.0 million cubic feet  
9. October 10, 1979  
10. Equitable Gas Company  
1. 80-01767

2. 47-017-21780
  3. 108
  4. Dennis D Blauser
  5. Fannic Coulehan No. 1
  6. West Union
  7. Doddridge, WV
  8. 9.0 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01768
  2. 47-017-21783
  3. 108
  4. Dennis D Blauser
  5. J D McReynolds No. 1
  6. Grant
  7. Doddridge, WV
  8. 2.0 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01769
  2. 47-007-20930
  3. 108
  4. Dennis D Blauser
  5. Archie Bull No. 1
  6. Saltlick
  7. Braxton, WV
  8. 8.0 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01770
  2. 47-015-21057
  3. 108
  4. Dennis D Blauser
  5. ERC & L-No. 1
  6. Henry
  7. Clay, WV
  8. 1.5 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01771
  2. 47-015-21058
  3. 108
  4. Dennis D Blauser
  5. ERC & L No. 2
  6. Henry
  7. Clay, WV
  8. 1.5 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01772
  2. 47-015-21089
  3. 108
  4. Dennis D Blauser
  5. ERC & L No. 3
  6. Henry
  7. Clay, WV
  8. 1.5 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01773
  2. 47-017-21770
  3. 108
  4. Dennis D Blauser
  5. W Brent Maxwell No. 1
  6. Southwest
  7. Doddridge, WV
  8. 4.5 million cubic feet
  9. October 10, 1979
  10. Equitable Gas Company
  1. 80-01774
  2. 47-005-01092
  3. 108
  4. Pennzoil Company
  5. Yawkey-Freeman No. 114
  - 6.
7. Boone, WV
  8. 15.0 million cubic feet
  9. October 10, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01775
  2. 47-047-00249
  3. 108
  4. Consolidated Gas Supply Corporation
  5. Peoples First Nat Bank 10476
  6. Pineville Field Area A-59442
  7. McDowell, WV
  8. 11.0 million cubic feet
  9. October 15, 1979
  10. General System Purchasers
  1. 80-01776
  2. 47-047-00254
  3. 108
  4. Consolidated Gas Supply Corporation
  5. Olga Coal Co 10475
  6. Pineville Field Area A-59442
  7. McDowell, WV
  8. 10.0 million cubic feet
  9. October 15, 1979
  10. General System Purchasers
  1. 80-01777
  2. 47-047-00653
  3. 108
  4. Energy Development Corporation
  5. EDC No. 1-MCD-653
  6. Big Sandy
  7. McDowell, WV
  8. 10.0 million cubic feet
  9. October 15, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01778
  2. 47-047-00692
  3. 108
  4. Energy Development Corporation
  5. EDC No. 3-MCD-692
  6. Big Sandy
  7. McDowell, WV
  8. 3.0 million cubic feet
  9. October 15, 1979
  10. Consolidated Gas Supply Corp
  1. 80-01779
  2. 47-085-03543
  3. 108
  4. Williams Well Surveys Inc
  5. Glen W Roberts (McCosh) No. 1 W
  6. Murphy Dist (Crab Run)
  7. Ritchie, WV
  8. 20.0 million cubic feet
  9. October 15, 1979
  10. Consolidated Gas Supply Corp
  1. Control Number (FERC/State)
  2. API Well number
  3. Section of NGPA
  4. Operator
  5. Well name
  6. Field or OCS area name
  7. County, State or Block No.
  8. Estimated annual volume
  9. Date received at FERC
  10. Purchaser(s)
  1. 80-01684/G9-601
  2. 17-708-40198-0000-0
  3. 102
  4. Shell Oil Company
  5. B-7
  6. South Marsh Island
  7. 130
  8. 100.0 million cubic feet
  9. October 10, 1979
  10. Transcontinental Gas Pipe Line Corp
  1. 80-01685/G9-609
2. 17-708-40258-0000-0
  3. 102
  4. Shell Oil Company
  5. C-24
  6. South Marsh Island
  7. 130
  8. .0 million cubic feet
  9. October 10, 1979
  10. Transcontinental Gas Pipe Line Corp
  1. 80-01686/G9-565
  2. 17-709-40343-0000-0
  3. 102
  4. Gulf Oil Corporation
  5. Eugene Is Blk 252 G-8 OCS G-0983
  6. Eugene Island
  7. 252
  8. 3280.0 million cubic feet
  9. October 10, 1979
  10. Sea Robin Pipeline Company, Texas Eastern Transmission Corp
  1. 80-01687/G9-688
  2. 17-705-40295-0001-0
  3. 102
  4. Tenneco Oil Company
  5. Vermillion Blk 218 No. B-2 S/T
  6. Vermillion Blk 218 No. B-2 S/T
  7. 218
  8. 269.7 million cubic feet
  9. October 10, 1979
  10. Tennessee Gas Pipeline Co
  1. 80-01688/G9-610
  2. 17-708-40284-0000-0
  3. 102 Denied
  4. Shell Oil Company
  5. B-25
  6. South Marsh Island
  7. 130
  8. 112.0 million cubic feet
  9. October 10, 1979
  10. Transcontinental Gas Pipe Line Corp
  1. 80-01689/G9-603
  2. 17-708-40175-0000-0
  3. 102
  4. Shell Oil Company
  5. A-20
  6. South Marsh Island
  7. 130
  8. 160.0 million cubic feet
  9. October 10, 1979
  10. Transcontinental Gas Pipe Line Corp
  1. 80-01690/G9-748
  2. 17-715-40281-00S1-0
  3. 102
  4. Exxon Corporation
  5. OCS-G 1250 No. C-4
  6. South Timbalier
  7. 164
  8. 1350.0 million cubic feet
  9. October 10, 1979
  10. Trunkline Gas Company
  1. 80-01691/G9-611
  2. 17-708-40245-0000-0
  3. 102
  4. Shell Oil Company
  5. B-18
  6. South Marsh Island
  7. 131
  8. 68.0 million cubic feet
  9. October 10, 1979
  10. Transcontinental Gas Pipe Line Corp
  1. 80-01692/G9-602
  2. 17-708-40194-0000-0
  3. 102
  4. Shell Oil Company
  5. B-5

6. South Marsh Island  
7. 130  
8. 100.0 million cubic feet  
9. October 10, 1979  
10. Transcontinental Gas Pipe Line Corp  
1. 80-01780/G9-810  
2. 17-700-40346-00D1-0  
3. 102  
4. Union Oil Company of California  
5. OCS-0911 No. C-6  
6. West Cameron  
7. 280  
8. 1825.0 million cubic feet  
9. October 10, 1979  
10. Texas Eastern Transmission Corp  
1. 80-01781/G9-809  
2. 17-700-40345-00D2-0  
3. 102  
4. Union Oil Company of California  
5. OCS-0911 No. C-5D  
6. West Cameron  
7. 280  
8. 2190.0 million cubic feet  
9. October 10, 1979  
10. Texas Eastern Transmission Corp  
1. 80-01782/G9-808  
2. 17-700-40345-00D1-0  
3. 102  
4. Union Oil Company of California  
5. OCS-0911 No. C-5  
6. West Cameron  
7. 280  
8. 2190.0 million cubic feet  
9. October 10, 1979  
10. Texas Eastern Transmission Corp  
1. 80-01783/G9-789  
2. 17-709-40360-0000-0  
3. 102  
4. Exxon Corporation  
5. OCS-G 3331 No. A-1  
6. Eugene Island  
7. 251  
8. 4000.0 million cubic feet  
9. October 10, 1979  
10. Columbia Gas Trans Corp  
1. 80-01784/G9-816  
2. 17-715-40286-01S1-0  
3. 102  
4. Exxon Corporation  
5. OCS-G 1250 No. C-15  
6. South Timbalier  
7. 164  
8. 2900.0 million cubic feet  
9. October 10, 1979  
10. Trunkline Gas Co  
1. 80-01785/G9-811  
2. 17-700-40346-00D2-0  
3. 102  
4. Union Oil Company of California  
5. OCS-0911 No. C-6D  
6. West Cameron  
7. 280  
8. 1460.0 million cubic feet  
9. October 10, 1979  
10. Texas Eastern Transmission Corp  
1. 80-01786/G9-841  
2. 17-700-40228-0000-0  
3. 102  
4. The Superior Oil Company  
5. OCS-G-3381 A No. 1  
6. West Cameron  
7. 264  
8. 1203.0 million cubic feet  
9. October 10, 1979  
10.

1. 80-01787/G9-807  
2. 17-700-40342-00D2-0  
3. 102  
4. Union Oil Company of California  
5. OCS-0911 No. C-4D  
6. West Cameron  
7. 280  
8. 2190.0 million cubic feet  
9. October 10, 1979  
10. Texas Eastern Transmission Corp  
1. 80-01788/G9-182  
2. 17-711-40365-00D1-0  
3. 102  
4. Ocean Production Company  
5. OCS-G 1023 No. B-14A  
6. Ship Shoal 222  
7. 224  
8. 1100.0 million cubic feet  
9. October 10, 1979  
10. Transcontinental Gas Pl Corp  
1. 80-01789/G9-850  
2. 17-7110-40454-00D2-0  
3. 102  
4. Ocean Production Company  
5. OCS-G 1023 No. E7B  
6. Ship Shoal 222  
7. 224  
8. 110.0 million cubic feet  
9. October 10, 1979  
10. Transcontinental Gas Pl Corp  
1. 80-01790/G9-849  
2. 17-711-40454-00D1-0  
3. 102  
4. Ocean Production Company  
5. OCS-G 1023 No. E7A  
6. Ship Shoal 222  
7. 224  
8. 1825.0 million cubic feet  
9. October 10, 1979  
10. Transcontinental Gas Pl Corp

**U.S. Geological Survey, Albuquerque, N. Mex.**

1. Control Number (FERC/State)  
2. API Well number  
3. Section of NGPA  
4. Operator  
5. Well name  
6. Field or OCS area name  
7. County, State or Block No.  
8. Estimated annual volume  
9. Date received at FERC  
10. Purchaser(s)  
1. 80-01683/NM-2785-79  
2. 30-039-06470-0000-0  
3. 108 Denied  
4. Culkins Oil Company  
5. Breech 283  
6. South Blanco Pictured Cliffs  
7. Rio Arriba, NM  
8. 10.9 million cubic feet  
9. October 10, 1979  
10. Gas Company of New Mexico

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before November 23, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 79-34373 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL803]

**Pacific Power & Light Co.; Notice Pursuant to 18 CFR 41.3**

October 25, 1979.

An audit of Pacific Power & Light Company's (PP&L) books was conducted by Federal Energy Regulatory Commission Staff (Staff). Staff and PP&L were unable to reach agreement on the account classification of expenditures for membership dues in social and service clubs. Included among the social and service clubs are Rotary, Kiwanis, Arlington Club, Bonner County Historical Society, Community Concert Association, Coos Bay Shipper's Club, Lake Bond Orville Club, Dude Ranchers Association, and Yakima Valley Visitors and Convention Bureau. PP&L has consented to the use of the shortened procedures specified in Part 41 of the Commission's Rules and Regulations under the Federal Power Act (18 C.F.R.). Therefore, any interested party may file a brief in accordance with 18 C.F.R. 41.3. This brief may be accompanied by a notice of intervention in accordance with 18 C.F.R. 1.08.

The following procedural schedule is established:

- (1) initial briefs and notices of intervention shall be due no later than 30 days after the date of publication of this notice in the Federal Register; and
- (2) reply briefs shall be due no later than 20 days thereafter.

All briefs and notices of intervention must be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 79-34374 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EF79-3052]

**Southeastern Power Administration;  
Order Confirming and Approving  
Long-Term Rates**

October 25, 1979.

On April 17, 1979, the Assistant Secretary for Resource Applications (RA) of the Department of Energy tendered for filing, on behalf of the Southeastern Power Administration (SEPA), a request for confirmation and approval of rates and charges for the sale of all hydroelectric power generated at the Corps of Engineers' Laurel project to East Kentucky Power Cooperative, Inc. (East Kentucky).<sup>1</sup> These rates, which would remain effective until June 30, 1983, were approved by RA Rate Order No. SEPA-2, issued April 10, 1979, to become effective June 1, 1979, on an interim basis.<sup>2</sup> The rates and charges would produce revenues approximately 6.7% higher than those resulting from previous short-term rates which we recently considered in an order issued August 24, 1979, in Docket No. EF79-3051.

As we explained in our order of August 24, the Laurel hydroelectric project has been in operation since October 25, 1977. According to original plans, SEPA was to have sold half of the power and energy from the project to East Kentucky and the other half to eight Kentucky municipalities. To date, however, all of the project output has been sold to East Kentucky, because SEPA has been unable to negotiate an agreement with Kentucky Utilities Company (KU) to provide wheeling services necessary to transmit project power to the municipalities. As a result of SEPA's inability to obtain the required transmission services, an alternative was developed by which the municipalities' entitlement to Laurel project power and energy may be replaced by a portion of East Kentucky's entitlement in SEPA's Cumberland River Basin project (up to 25 MW of peaking capacity and energy). Although arrangements to wheel Cumberland power have not yet been finalized, it appears that the municipalities will eventually receive an amount comparable to their Laurel allocation, on a prospective basis.

Our order of August 24, 1979, approved an extension of the short-term rates to East Kentucky from March 31,

1979 through June 30, 1979. The short-term rates were designed to recover revenues of \$1,342,000 annually. Thus far, actual receipts have at least equalled the projected revenues. However, a repayment study prepared by SEPA earlier this year indicates that the short-term rates will not be adequate to meet the project long-term repayment requirements, based on more recent project costs, estimates of operation and maintenance expenses reflecting some experience with project operations, and updated estimates of future replacement costs.<sup>3</sup> According to the study, the requested 6.7% increase in annual revenues for the period through June 30, 1983, will be necessary to meet statutory repayment costs.

Public notice of the instant submittal was published in the Federal Register on May 4, 1979, with comments required to be filed on or before May 18, 1979. On May 18, 1979, four of the affected Kentucky municipalities (Cities)<sup>4</sup> filed a petition to intervene in this proceeding. In most respects, this pleading is identical to Cities' petition to intervene in Docket No. EF79-3051. Cities reiterate that they do not object to the rate level proposed by SEPA, although they request that certain conditions be imposed in order to protect their entitlements in the Laurel project or a reasonably equivalent substitute. As in the prior proceeding, Cities characterize KU's actions as an "unlawful and unreasonable" refusal to provide transmission service based on economic incentives for delay. Pending completion of satisfactory transmission arrangements between SEPA and KU, Cities request that the Commission condition approval of the subject rates upon the requirement that SEPA include a so-called banking provision reserving Cities' allocated share of the Laurel project output from October 1977 until such time as they begin to receive an appropriate allocation of power from some SEPA project. In this docket, Cities further ask that our approval carry the express condition that 25 MW of replacement power from the Cumberland River Basin project be allocated to the Kentucky municipalities.

We discussed Cities' request for conditional approval in our August 24th order in Docket No. EF79-3051 and decided that Cities should seek this relief directly from the Assistant

Secretary for Resource Applications or from SEPA, the entities responsible for the allocation of power. The same reasoning applies in the instant proceeding. With respect to the additional condition now requested by Cities, we note, in particular, that RA Rate Order No. SEPA-2 specifically indicates the contractual obligation of East Kentucky to relinquish a portion of its share in the Cumberland River Basin project for the benefit of the Kentucky municipalities.

Concerning the level of the rates proposed by SEPA, we must determine that they represent the "lowest possible rates to consumers consistent with sound business principles."<sup>5</sup> In making such assessment, the Commission must consider, *inter alia*, whether the rates will properly recover (1) all power related project or system operating, maintenance, and marketing costs, (2) the costs, (2) the costs of power purchases or exchanges and transmission services, (3) interest on the unamortized power investment financed from appropriated funds, and (4) amortization of (i) the power investment within 50 years after it becomes revenue producing and the transmission investment within its service life (not to exceed 50 years), (ii) investment in replacement costs for power facilities, and (iii) irrigation assistance where applicable.

Our analysis reveals that the proposed rates are consistent with the statutory requirements and with the public interest. Accordingly, we shall confirm and approve those rates. This confirmation of the proposed rate level should not be construed as approval of the specific practices or methodologies reflected in SEPA's repayment study.<sup>6</sup>

**The Commission orders:**

(A) The long-term rates for the sale of hydroelectric power and energy generated at the Corps of Engineers' Laurel project, as submitted by the Assistant Secretary for Resource Applications of the United States Department of Energy, are hereby confirmed and approved.

(B) The Cities are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the

<sup>5</sup>Section 5 of the Flood Control Act of 1944, 16 U.S.C. § 825s.

<sup>6</sup>The Commission notes an initial concern with such practices as SEPA's repayment of the highest interest bearing investment first and SEPA's deferred repayment of investments in replacement items with service lives that extend beyond the 50-year initial project repayment period. However, we do not reach these questions in the exercise of our confirmation authority in this proceeding inasmuch as the combined effect of these practices on the revenue requirements shown in SEPA's study is relatively small.

<sup>1</sup>The referral was made pursuant to the provisions of Section 5 of the Flood Control Act of 1944, Section 302(a)(1) of the DOE Organization Act, and Section 2 of DOE Secretarial Delegation Order No. 0204-33.

<sup>2</sup>The rates and charges are contained in Wholesale Power Schedule LP-1.

<sup>3</sup>The total Federal investment in the project is reported at \$64,400,000, of which \$29,309,000 is allocated to power production to be repaid from project revenues.

<sup>4</sup>The Cities of Barbourville, Corbin, Falmouth, and the Electric and Water Plant Board of the City of Frankfort, Kentucky.

Commission; *provided, however*, that the participation of these intervenors shall be limited to matters set forth in their petition to intervene; and *provided, further* that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) The Cities' request that we restrict and condition our approval of the Laurel project rates is hereby denied.

(D) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34375 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-1A

[Docket No. CP79-300]

**Southern Natural Gas Co.; Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity.**

October 25, 1979.

On May 8, 1979, Southern Natural Gas Company (Southern)<sup>1</sup> filed in Docket No. CP79-300 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct, install and operate a 211 horsepower compressor and appurtenant equipment in Louisiana, all as more fully set forth in the application.

Southern requests authorization to construct, install and operate a 211 horsepower compressor and appurtenant equipment adjacent to its eight-inch Bastian Bay Line in Plaquemines Parish, Louisiana in preparation for an anticipated reduction of field operation and delivery pressure.

Southern currently purchases gas from the Bastian Bay Field, Plaquemines Parish, Louisiana, from Phillips Petroleum Company (Phillips) pursuant to a renewal contract dated January 1, 1978. The operator of this field, Tenneco Oil Company (Tenneco), has informed Southern that in order to increase deliverability of this old field and to enhance ultimate recovery of reserves from the field, the gathering pressure in the field will be lowered this summer.

Pursuant to the provisions of the aforementioned contract, between

Southern and Phillips, Phillips is not required to deliver gas at a pressure greater than the natural flowing pressure of its wells, as limited by the design pressure of the gathering and delivery facilities. However, the contract provides that should compression be necessary to deliver the gas, Southern may elect to install, maintain and operate the requisite compression horsepower at its own expense.

Rather than lose its reserves in this field, which currently amount to 1,000 Mcf per day, Southern has elected to install a compressor. The subject compressor is presently located on a non-jurisdictional intrastate gathering line in the Gwinville Field, Jefferson Davis and Simpson Counties, Mississippi, and is no longer needed since the wells to which it is connected are now shut-in.

The cost of construction and installation is estimated at \$233,170. Should Southern seek to include these costs in its jurisdictional rates, it will be required to show that such costs are not compensated for in the applicable producer ceiling rate.<sup>2</sup>

Since the compression facilities will be used for the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, the construction and operation thereof are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

The Commission finds that this order does not constitute a major Federal action having any significant effect on the quality of the human environment.

After due notice by publication in the Federal Register on May 5, 1979 (44 FR 30753), no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on October 17, 1979, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

**The Commission finds:**

(1) Southern is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and

<sup>2</sup> Applications for rehearing have been filed in connection with the imposition of a similar condition in *United Gas Pipe Line Company*, Docket No. CP77-558, and *Michigan Wisconsin Pipe Line Company*, Docket No. CP77-577. The attachment of this condition here is subject to whatever action is taken by the Commission in those cases. In both of those cases the Commission has granted rehearing solely for the purpose of further consideration.

regulations of the Commission thereunder.

(2) The construction and operation of compression facilities are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

**The Commission orders:**

(A) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued to Southern authorizing the construction, installation and operation of a 211 horsepower compressor and related appurtenant equipment, as hereinbefore described and as more fully described in the application.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Southern's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (c)(4), (e) and (f) of Section 157.20 of such Regulations.

(C) Should Southern seek to recover the related costs of the compression facilities in its jurisdictional rates, it will be required to show that these costs have not been compensated for in the ceiling rate applicable to the producer sale. This condition is subject to the outcome of the rehearing in Docket Nos. CI77-412, CP77-558 and CP77-577.

(D) The facilities authorized herein shall be constructed and placed in actual operation, as provided by paragraph (b) of Section 157.20 of the Regulations under the Natural Gas Act, within one year of the date of this order.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34376 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-500]

**Southern Natural Gas Co., et al.; Application**

October 22, 1979.

Take notice that on September 24, 1979, Southern Natural Gas Company (Southern), P.O. Box 2583, Birmingham, Alabama 35202, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Michigan Wisconsin Pipe Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-500 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity

<sup>1</sup> Southern, a Delaware corporation having its principal place of business in Birmingham, Alabama, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order issued October 6, 1942 in Docket No. G-298 (3 FPC 822).



authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to transport volumes of natural gas for Southern by Tennessee from a point of interconnection between the facilities of Southern and Tennessee in West Cameron Block 141, offshore Louisiana, to a point near Kinder, Louisiana. Southern and United Gas Pipe Line Company (United) have arranged to purchase all of the gas produced from East Cameron Blocks 45 and 46, offshore Louisiana and in order for Southern to deliver the gas to Tennessee for transportation and exchange as proposed herein, Southern would participate with United in the construction and ownership, pursuant to budget-type authority, of approximately 2.71 miles of pipeline to extend from the producers' platform in East Cameron Block 46, offshore Louisiana, to a point of connection at a subsea tap on Tennessee's existing pipeline in West Cameron Block 141.

Applicants also seek authorization for the subsequent exchange of equal volumes of gas through the delivery by Mich Wisc for Tennessee's account, to Southern, at the existing point of interconnection between Mich Wisc and Southern near Shadyside, St. Mary Parish, Louisiana, of up to 20,000 Mcf of gas per day to the extent Mich Wisc has such gas available for Tennessee's account and operating conditions on Mich Wisc's system permit, through the delivery by Tennessee to Southern at the existing Patterson Point located at the tailgate of the Patterson Gasoline Plant, St. Mary Parish, Louisiana, of all or such remaining volume of gas. The proposed exchange would occur provided that the total volumes of gas delivered to Southern by Tennessee under the arrangement proposed herein and all other agreements between Tennessee and Southern do not exceed 50,000 Mcf per day, and any remaining volumes of gas due to Southern after deliveries have been made at the Shadyside Point and the Patterson Point shall be delivered by Tennessee to Southern at the point of interconnection to be constructed in conjunction with the Bear Creek Storage Project between Tennessee's and Southern's jointly owned Yscloskey Pipeline and Tennessee's existing facilities at or near its Yscloskey Compressor Station in St. Bernard Parish, Louisiana and/or such other existing exchange points between Tennessee and Southern. Applicants propose that Tennessee would take

receipt of up to approximately 23,000 Mcf of gas per day initially and commencing on or about July 1, 1980, up to approximately 48,000 Mcf of gas per day and such additional volumes of gas for Southern's account as the operating and transmission conditions on Tennessee's pipeline facilities and its system capacity requirements allow.

Southern would pay Tennessee a volume charge equal to 11.96 cents per Mcf delivered by Tennessee to Southern. Additionally, Southern would provide to Tennessee volumes of gas equal to one and two-tenths percent of the volumes received for transportation each day, to compensate for Tennessee's fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34577 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket Nos. CP68-166, et al.]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

October 22, 1979.

Take notice that on October 2, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP68-166, et al., a petition to amend the order of December 2, 1975, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas to Boston Gas Company (Boston) under the terms of a new gas sales contract which provides for changes in daily volume limits by delivery point, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Tennessee was granted authorization in Docket No. CP68-166 to serve Boston under Tennessee's CD-6 Rate Schedule in lieu of Tennessee's G-6 and GS-6 Rate Schedules and to render such service with revised daily volume limits by delivery points. By order issued April 4, 1978, Tennessee was authorized to increase the daily volume limit for the Beverly Salem Delivery Point from 12,035 Mcf per day to 15,000 Mcf per day. Accordingly, Tennessee is now serving Boston under Tennessee's CD-6 Rate Schedule and the terms of an associated gas sales contract between the parties dated April 4, 1978, which provides for the sale and delivery by Tennessee of a contracted demand of 93,912 Mcf of gas per day. Tennessee states that the total of the daily volumes limits at the delivery points exceeds Boston's contracted demand of 93,912 Mcf per day in order to provide Boston with operational flexibility among delivery points.

Boston has requested that Tennessee revise the daily volume limits for certain specified delivery points. Tennessee is agreeable to such changes in service to Boston and, accordingly, both parties have entered into a precedent agreement which provides for the execution of a new gas sales contract providing for revised daily volume limits by delivery points.

Tennessee requests that the order herein be amended so as to authorize the rendition of gas service to Boston under a new gas sales contract providing for revised daily volume limits by delivery points as set forth in the proposed gas sales contract attached to the aforementioned precedent agreement dated September 24, 1979.

Any person desiring to be heard or to make any protests with reference to said

petition should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34378 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP74-102]

#### Texas Eastern Transmission Corp.; Amendment

October 22, 1979.

Take notice that on October 9, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P. O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-102<sup>1</sup> an amendment to its pending application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to delete from the original application the requested authorization for construction of a 30-inch pipeline extending from Block 333, Eugene Island area, offshore Louisiana, to a point in East Cameron Block 286, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Texas Eastern filed its original application in this proceeding on October 17, 1973, a first amendment on January 15, 1974 and a second amendment on December 2, 1974. Texas Eastern requested authorization to construct a 30-inch pipeline extending from Block 333, Eugene Island area, south addition, offshore Louisiana, to a point on the terminus of Texas Eastern's existing Cameron pipeline facility in East Cameron Block 286, and a 27,500 horsepower centrifugal compressor station and appurtenant facilities located near Grand Chenier, Louisiana.<sup>2</sup>

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

<sup>2</sup>The Commission issued a temporary certificate authorizing construction of the said compressor on May 28, 1978 and on August 10, 1977 the facilities were placed in service.

Texas Eastern now proposes to delete the requested authorization to construct the proposed 30-inch pipeline extending from Block 333, Eugene Island area, south addition, offshore Louisiana, to a point on Texas Eastern's existing Cameron pipeline facility in East Cameron Block 286. Thus, Texas Eastern seeks authorization for only the 27,500 horsepower compressor and appurtenant facilities already constructed under the temporary certificate.

Texas Eastern asserts that in the nearly five years since the filing of the second amendment other projects have been implemented and other arrangements have been made which have, or would, enable Texas Eastern to receive the gas supplies which were contemplated to be transported by the 30-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34379 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. RP73-35, etc.]

#### Trunkline Gas Co., et al.

In the matter of Trunkline Gas Company, (Docket No. RP73-35 (PGA79-3)); Mississippi River Transmission Corporation (Docket No. RP72-149 (PGA79-5a)); Columbia Gas Transmission Corporation (Docket No. RP73-65 (PGA79-2)); Transcontinental Gas Pipe Line Corporation (Docket No. RP73-3 (PGA79-2)); Order granting rehearing for further consideration. October 25, 1979.

The Commission has before it applications for rehearing of orders issued August 30, 1979, in the above captioned dockets. The dates the

applications for rehearing were filed are listed in Appendix A. The orders made the effectiveness of the filings subject to the condition that pipeline affiliate producer costs be collected subject to refund and subject to Commission action on that issue in final Natural Gas Policy Act regulations (on rehearing).

The Commission has not yet concluded its deliberations on the issues raised in the application for rehearing. It is therefore appropriate in the administration of the Natural Gas Act and the Natural Gas Policy Act and in the public interest to grant rehearing of the letter orders listed in Appendix A to afford time for additional consideration of these issues.

*The Commission orders:* The applications for rehearing filed by the companies listed in Appendix A are hereby granted for the limited purpose of further consideration. As provided by Section 1.34(d) of the Commission's Regulations, no answers to the applications will be entertained by the Commission since this order does not grant rehearing on any substantive issues.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

#### Appendix A

*Company, Date of order, Date of rehearing*  
Trunkline Gas Company, August 30, September 28.  
Mississippi River Transmission Corp., August 30, September 28.  
Columbia Gas Transmission Company, August 30, September 28.  
Transcontinental Gas Company, August 30, September 28.

[FR Doc. 79-34380 Filed 11-6-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. ER79-121]

#### Utah Power & Light Co.; Order Consolidating Motions and Remanding to Administrative Law Judge

October 24, 1979.

Utah Power & Light Company tendered revised tariff sheets to the Commission on December 28, 1979. We found the initial filing deficient in technical detail, and Utah resubmitted its filing on February 9, 1979. By order issued April 5, 1979, we granted various requests for intervention, suspended Utah's proposed rate changes for five months, to become effective September 11, 1979, and ordered a hearing on the justness and reasonableness of Utah's proposed rates. CP National Corporation, an intervenor in this proceeding, filed a motion on September 14, 1979 to vacate the April 5, 1979 order,

reject the proposed rate schedules, and order refunds. On October 1, 1979, staff filed a response in support of CP's motion and Utah Power & Light filed a response in opposition to the motion. On October 5, 1979, intervenors referred to collectively as the Tri-State Intervention Group<sup>1</sup> filed a motion in the same docketed proceeding similar to that filed by CP National. We will therefore consolidate both motions.

CP purchases power for resale from Utah under a "resale Electric Service Agreement" dated March 26, 1975. The Agreement provides:

All power and energy delivered hereunder shall be paid for by customer under [Utah's] Rate Schedule RS-3, FPC Electric Tariff, or any effective superseding rate schedules on file with the Federal Power Commission.<sup>2</sup> This agreement in all respects shall be subject of the applicable provisions of such rate schedules and to [Utah's] Electric Service Regulations attached thereto and filed with the Federal Power Commission, which are by reference made a part hereof.

The contract relationship between Utah and CP is determined by reading together the Service Agreement, Utah's Electric Regulations, and Utah's Rate Schedule RS-3. Furthermore, paragraph 11 of Utah's regulations specifies that if there is a conflict between any of these three documents, the terms of the Rate Schedule are superior to any conflicting provisions of the Regulations or the Utah-CP Service Agreement. The Rate Schedule states that "the rates prescribed herein are subject to revision upon approval of the regulatory authorities having jurisdiction." We interpret this provision to mean that Utah lacks authority to initiate changes in its rates for service to CP pursuant to the procedures specified in Section 205 (d) and (e) of the Federal Power Act, 16 U.S.C. § 825(d), (e).

When the language of the Agreement is read with that of the Rate Schedule, as it must be, the result is that CP is to pay for service according to Utah's Rate Schedule RS-3 or "any effective superseding rate schedules." Under the Rate Schedule itself—and under Utah's Regulations—new rates are effective only "upon approval" by the Commission. Thus, the only rates that can be "effective" and superseding" are those "approved" by the Commission. Even if the service agreement did not refer to Utah's Rate Schedule or

Regulations, the language of the latter would control because, as noted, in the event of conflict the provisions of the Agreement must yield to those of the Rate Schedule and Electric Service Regulations. The Tri-State group have agreements with Utah identical to that described above concerning CP.

As relevant here, therefore, Utah's rates for service to CP and Tri-State may only be revised "upon approval" of the Commission; until Utah obtains Commission approval, the rates are not subject to revision. Our April 5 order accepting Utah's tendered rate increases is not "approval" of the increased rates. We have long made it clear that the acceptance of revised rate schedules or tariff sheets for filing does not constitute regulatory approval of the filing. *Indiana & Michigan Electric Co.*, 51 FPC 1752, 1754 (1974); *Skelly Oil Co.*, 35 FPC 68, 70 (1966); *Pan American Petroleum Corp.*, 31 FPC 616, 618.

In reviewing a contract provision in *Appalachian Power Co.*, Docket No. ER76-799 (issued November 8, 1976, slip op. at 3), for example, we stated (emphasis in the original):

The Commission's review of the [the contract provision] indicates that it does not intend a unilateral filing which shall become effective as a result of Commission acceptance of the filing, but only upon final Commission approval of them. The words which lead to this result are: "... and in such event the terms and conditions under which service shall be rendered hereunder shall be the terms and conditions authorized by such authority." The Commission has held that phrases such as "ordered," "approved," "authorized," and "prescribed" ... "by the Commission ..." do not permit unilateral filing under Section 205 of the Federal Power Act. *E.g.*, *South Texas Natural Gas Gathering Company*, Docket Nos. RP75-53 and RP76-60, order issued February 27, 1976. (Mimeo 2-3, and cases cited therein.)

Thus in *Missouri Power & Light Company*, Docket No. ER76-539 (issued June 4, 1976), we construed contractual language requiring regulatory "approval" of rate changes—language virtually identical to that in Utah's rate schedule—to mean that "the increase proposed by Missouri cannot lawfully be effectuated until the Commission issues a final order on the justness and reasonableness of the rates" *id.* (slip op. at 2) The Commission's reading of such contractual provisions has been judicially approved. *E.g.*, *City of Oglesby v. F.E.R.C.*, D.C. Cir. No. 76-1937 (August 21, 1979, slip op. at 23-265); *Indiana & Michigan Electric Co. v. F.P.C.* 530 F. 2d 1060 (D.C. Cir. 1976).

We note, however, that both CP and Tri-State have acquiesced to the filing of rate increases by Utah on prior occasions. It is well settled that a

contract may be modified or its intent determined by the subsequent conduct of the parties.<sup>3</sup> We, therefore, believe that the issue of whether the movants have by their failure to object to prior filings of rate increases mutually reformed the contracts must be resolved before any decision can be rendered on the motions presently before us. The question of contract modification by action of the parties should properly be determined by the Administrative Law Judge before whom these proceedings originated. Until such determination is made the Commission will not act on these motions.

**The Commission orders:** (A) The motions filed by CP National Corporation and the Tri-State Intervention Group are hereby consolidated and referred to the Administrative Law Judge previously designated in these proceedings to determine whether the parties have modified their contracts with Utah Power & Light Company.

(B) Briefs are to be filed with the Administrative Law Judge within fifteen days of the issuance of this order and reply briefs are to be filed within thirty days of the issuance of this order. The Secretary is instructed to invite all of Utah's customers who are affected by the Commission's April 5, 1979 order to file briefs and reply briefs.

(C) A hearing may be conducted if requested by the parties and determined to be warranted by the Administrative Law Judge.

(D) The April 5, 1979 order continues in effect subject to the payment of refunds pending further action.

(E) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-34361 Filed 11-6-79; 8:43 am]  
BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 1352-6]

Petition To Remove Ethylbenzene, Phenol, 2,4-Dichlorophenol, 2,4,5-Trichlorophenol, and Pentachlorophenol From the § 307(a)(1) List of Toxic Pollutants

AGENCY: United States Environmental Protection Agency.

<sup>3</sup> See *Sam Rayburn Dam Electric Coop. v. F.P.C.*, 515 F.2d 996 (1975); *Appalachian Power Company v. F.P.C.*, 529 F.2d 342 (D.C. Cir. 1976) and *Gulf States Utilities Co. v. F.P.C.*, 518 F.2d 450 (D.C. Cir. 1975).

<sup>1</sup> Lincoln Service Corporation, Navajo Tribal Utility Authority, Strawberry Water Users, the Utah Cities of Blanding, Brigham, Levan, Nephi, Price, the City of Soda Springs, Idaho, and Intermountain Consumers Power Agency.

<sup>2</sup> Jurisdiction over this rate filing was transferred from the Federal Power Commission to the Federal Energy Regulatory Commission on October 1, 1977.

**ACTION:** Notice of receipt of and request for public comments on a petition from the Dow Chemical Company to remove ethylbenzene, phenol, 2,4-dichlorophenol, 2,4,5-trichlorophenol, and pentachlorophenol from the list of toxic pollutants under Section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. 1317(a).

**SUMMARY:** This action is a request for public comments on a petition from the Dow Chemical Company to remove ethylbenzene, phenol, 2,4-dichlorophenol, 2,4,5-trichlorophenol and pentachlorophenol from the 307(a)(1) list of toxic pollutants. At this time, the Agency is making available to the public all information supplied by Dow in support of its petition and is not attempting to respond to Dow's assertions. The Agency will publish its response to the petition and its decision regarding the retention or deletion of these chemicals after public comments have been considered.

**DATES:** Public comments on the petition will be received for 60 days from the date of this notice.

**FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS CONTACT:** Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, Environmental Protection Agency, 401 M. Street, SW., Washington, D.C. 20460 (202-755-0100).

**SUPPLEMENTAL INFORMATION:** This notice requests public comments on a petition, dated August 11, 1978 from the Dow Chemical Company U.S.A. requesting that ethylbenzene, phenol, 2,4-dichlorophenol, 2,4,5-trichlorophenol, and pentachlorophenol be removed from the toxic pollutant list. Dow asserted that the chemicals failed to meet the EPA criteria for listing chemicals as toxic pollutants under Section 307(a)(1) of Pub.L. 92-500. The petitioner also asserted that retention of these five chemicals on the list dilutes the Agency's efforts and diverts attention from more serious environmental issues; introduces unwarranted barriers to the introduction of new products containing the compounds, often resulting in the use of less efficacious or more expensive materials; and results in a needless expenditure of funds by industry and government for expensive monitoring, analysis and reporting.

#### Background

The Clean Water Act of 1977 (the Act) directed the Administrator to publish as toxic pollutants those substances listed in Table I of Committee Print Number 95-30 of the Committee on Public Works

and Transportation of the House of Representatives. The list of these substances was published pursuant to Section 307(a) on January 31, 1978 (43 FR 4109). The list contained as item 18, chlorinated phenols (other than those listed elsewhere: Includes trichlorophenols and chlorinated cresols); as item 28, 2,4-dichlorophenol; as item 35, ethylbenzene; as item 51, pentachlorophenol and as item 52, phenol.

The Act authorizes the Administrator to add or remove any pollutant from the list. In revising the toxic pollutant list, the Administrator is directed to take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the pollutant on such organisms. It is not necessary that a pollutant meet any particular criteria within these categories in order to be listed under Section 307.

The legislative history of the Clean Water Act of 1977 indicates Congress' clear intent that the Administrator have "the widest latitude" in designating pollutants as toxic and that "no pollutant listed in House Report 95-30 should be deleted without a clear finding that delisting will not compromise adequate control over the discharge of toxic pollutants (Cong. Rec. daily ed. S. 19649)". Thus, for instance, a pollutant which demonstrates high acute toxicity but low persistence may be listed under Section 307, or conversely, a pollutant with low acute toxicity but high persistence may be so listed.

In 1979, the Agency published guidance on factors to be addressed in petitions to revise the toxic pollutant list (44 FR 18279 March 27, 1979). The purpose of this notice was to provide guidance relating to the information necessary to support any petition to the Environmental Protection Agency for a change in the toxic pollutant list.

The information factors to be addressed by a petitioner include, but are not necessarily limited to, the following:

1. Toxicity of the pollutant:
  - a. Acute (96-hour LC50) toxicity to freshwater and marine organisms;
  - b. Maximum acceptable toxicant concentration to freshwater and marine organisms;
  - c. Embryo-larval and egg-fry tests on freshwater organisms;
  - d. Information on dose-related, lethal or chronic sub-lethal effects on man, nonhuman mammals, vertebrates including aquatic vertebrates, and other aquatic organisms;

e. Information relating to known or suspected carcinogenicity, teratogenicity, and mutagenicity in man or in other animals.

2. Persistence of a pollutant including mobility and degradability in water of the substance.

3. Bioconcentration, bioaccumulation, and biomagnification of a pollutant or of its degradation products or metabolites.

4. Synergistic propensities and effects of the pollutant.

5. Water solubility and octanol-water partition coefficient determinations for the pollutant.

6. Extent of point source discharges into water including qualitative presence and quantitative concentrations of the pollutant in effluents, ambient water, benthic sediments, fish and other plant and animal aquatic organisms.

7. Potential exposure of persons to the pollutant through drinking water, surface water, fish or shellfish consumption. Potential exposure of aquatic organisms and wildlife to the pollutant.

8. Annual production of the pollutant in the United States.

9. Use patterns.

10. The capability of analytical methods to identify and quantitatively determine the presence of the pollutant in ambient water or wastewaters.

If data for any of the above are not known, the petition should indicate this fact.

All significant information that is known to the petitioner regarding either a quantitative or qualitative measure for description of the above information factors, or that may relate to an assessment of the merit of the petition, shall be submitted as a part of the petition.

The compounds on the list of 65 were themselves chosen on the basis of different sets of criteria. These criteria are described in Committee Print Number 95-32, Hearings before the Subcommittee on Investigations and Review of the Committee on Public Works and Transportation, U.S. House of Representatives, pages 399-405. Each of the 65 toxic pollutants were classified in one of three priority lists based upon three sets of overlapping criteria. The criteria described in the Committee Print Number 95-32 for the three priority lists are:

"Priority List I contains those chemicals for which human exposure via the water route give rise to the greatest concern. This list contains some 29 substances and/or generic categories. Essentially chemicals on the Priority List Number 1 satisfy the following criteria:

1. There is known occurrence of these compounds in point source effluents, in

aquatic environments, in fish, and/or drinking water.

2. There is substantial evidence of carcinogenicity, mutagenicity, and/or teratogenicity in human epidemiological studies or in animal bioassay systems.

3. There is also a likelihood that point source effluents contribute substantially to human hazards, at least locally.

Priority List II contains 18 compounds and/or generic categories. These 18 satisfy the same first criteria as those on Priority List I, i.e., there is known occurrence in point source effluents, in aquatic environments, in fish and/or drinking water. However, the evidence with respect to the toxicity of these compounds differs from Priority List I. In some cases the evidence of carcinogenicity, mutagenicity, and teratogenicity is based primarily upon structural similarity to compounds in List I, or upon mutagenic activity in bacterial screening systems, in the absence of adequate confirmation in mammalian systems. In other cases, the testing has given some evidence regarding the carcinogenicity, mutagenicity, or teratogenicity, but these results presently appear to be incomplete or equivocal. Also, for these compounds the possibility of significant human exposure attributable to the point source effluent is judged to be less than that for compounds in List I. This judgment could be based on a relatively small volume of effluents, or relatively low propensity to persist in water or accumulate in organisms. In addition, several compounds included in List II are included on the basis of serious toxic effects other than carcinogenicity, mutagenicity, or teratogenicity, combined with evidence for substantial release in effluents and likely exposure of humans and aquatic organisms. These other toxic effects primarily refer to toxicity to aquatic organisms.

Priority List III contains chemicals which satisfy criterion 1 of Priority List I: Known occurrence in the aquatic environment, in fish, and/or in drinking water. In addition, all are known to have toxic effects on human or aquatic organisms at sufficiently high concentration. However there is no substantial evidence that these compounds have primary carcinogenic, mutagenic, or teratogenic effects.

Pentachlorophenol and 2,4-dichlorophenol are found on priority list II. Ethylbenzene, phenol, and 2,4,5-trichlorophenol, a member of the generic category "Chlorinated phenols" are found on priority list III.

Dow claims that the five chemicals fail to meet EPA's criteria of toxicity, persistence and degradability for designating them toxic pollutants under

Section 307(a)(1) of Pub. L. 92-500. Dow asserts that:

(1) Ethylbenzene, phenol, 2,4-dichlorophenol, 2,4,5-trichlorophenol and pentachlorophenol are not persistent in the environment. Removal mechanisms include biodegradation and/or volatilization.

(2) No evidence has been cited for the carcinogenicity, teratogenicity, or mutagenicity of ethylbenzene, 2,4-dichlorophenol, 2,4,5-trichlorophenol, pentachlorophenol, and phenol. (3) Toxicological findings indicate that ethylbenzene is only moderately toxic to fish and that 2,4-dichlorophenol and 2,4,5-trichlorophenol have low mammalian toxicities via oral exposure.

Public comments are requested on the Dow petition and on the following information and references, supplied by Dow in support of its assertions.

Dated: October 22, 1979.

Swep T. Davis

Acting Assistant Administrator.

### Ethylbenzene

The purpose of this petition is to request that ethylbenzene be removed from the Toxic Pollutant list. The basis for this request is that ethylbenzene fails several of EPA's criteria for listing a material as a Toxic Pollutant. These criteria are discussed below with specific reference to ethylbenzene:

### Persistence and Degradability

Ethylbenzene is not persistent in the aquatic environment. Removal mechanisms include both biodegradation and volatilization. Studies in Dow laboratories showed the following:

Time, days	BOD	
	Parts O <sub>2</sub> /part ethylbenzene	Percent of theory
6	1.0	32
9	1.22	38
20	1.44	45

These results show ethylbenzene is biodegradable.

The vapor pressure of ethylbenzene is 7.1 mm Hg at 20°C, and its water solubility is 150 ppm. Studies in DOW laboratories have shown that aeration of an aqueous solution containing 100 ppm ethylbenzene for 4 hours resulted in 100% removal of the compound from water. Ethylbenzene is photodegraded in the atmosphere [J. M. Heuss and W. A. Glasson, *Env. Sci. & Technol.*, 2, 1109 (1968) and Levy *et al*, *Proc. Int Clean Air Congr.*, 2nd, 1970].

From these data it is apparent that ethylbenzene is not persistent in the

aquatic environment, nor is it persistent in air. It is degradable in both media.

### Toxicity

No evidence has been cited for the carcinogenicity, teratogenicity, or mutagenicity of ethylbenzene. Six-month inhalation and ingestions studies in several mammalian species (Wolf *et al*, 1958, attached) have shown ethylbenzene produces toxic effects only at relatively high levels, and the initial effects are reversible. The compound has only moderate toxicity to fish. Accordingly, ethylbenzene does not meet the EPA criterion of high toxicity for being on the Toxic Pollutant list.

Ethylbenzene does not meet EPA's criteria of toxicity, persistence and degradability for designating it a toxic pollutant under Section 307(a)(1) of Pub. L. 92-500. Accordingly, we request it be removed from the list.

### References

Wolf, M. A., V. K. Rowe, D. D. McCollister, R. L. Hollingsworth, and F. Oyen. 1958. Toxicological Studies of Certain Alkylated Benzenes and Benzene. A.M.A. Archives of Industrial Health 14:387-398.

### Phenol

We hereby request that phenol be removed from the list of toxic pollutants under Section 307(a)(1) of Pub. L. 92-500 because it does not meet the criteria of biodegradability/environmental persistence and toxicity as discussed:

### Toxicity

A review of the literature on the carcinogenic, mutagenic, and teratogenic properties of phenol by HEW/NIOSH Review Consultants on phenol<sup>1</sup> indicated that:

1. Phenol has no adverse effects on the reproductive capabilities in rats after ingestion of  $\leq 5,000$  ppm phenol in drinking water through three to five generations. The study cited did not indicate any specific teratogenic properties of phenol either,

2. Phenol may be capable of promoting tumors, functioning primarily as a nonspecific irritant, and

3. There is no evidence that phenol acts as a specific carcinogen or as a mutagen, particularly at low concentrations within normal physiologic limits.

In addition, phenol has been reported to inhibit tumor induction in cocarcinogenesis studies. Van Duuren *et*

<sup>1</sup>U.S. Dept. of Health, Education, and Welfare. 1978. NIOSH Criteria for a Recommended Standard—Occupational Exposure to Phenol. Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health. Washington, D.C. HEW Publications No. (NIOSH) 78-196 July.



al.<sup>2</sup> reported that a mixture of 3 mg phenol and 5 µg benzo (a) pyrene (BAP) produced fewer papillomas than BAP alone. Linnik et al.<sup>3</sup> reported that a mixture of phenol and BAP had similar tumor inhibitory properties.

#### Fish Toxicity

Studies<sup>1,2</sup> carried out in Dow Chemical Company laboratories have shown that the LC<sub>50</sub> for phenol in Rainbow Trout is 4.97 mg/l, and the LC<sub>50</sub> in Fathead Minnows is 27 mg/l. The exposure time for both studies is 96 hours.

A NSF Workshop Panel report<sup>3</sup> reviews 42 reports studying nonmammalian acute toxicity. A summary of the results are as follows:

TL<sub>50</sub>—7.5 to 56.0 mg/l 48 to 96 hour exposure (Trout, *Lebistes reticulatus*, *Lepomis macrochirus*, *Pinephales promelas*, *Gambusia affinis*, Channel catfish, *Salmo gairdnerii*).

TL<sub>50</sub>—52.6 to 95 mg/l 48 hour to 12 day exposure (*Mercenaria mercenaria*—adults and embryos, *Cassostrea virginica*, *Physa heterostrophia*).

TL<sub>50</sub> 14.5 to 30 mg/l, 48 hour exposure (aquatic insects).

The properties of phenol as discussed above indicate that it should be precluded from Section 307(a)(1) of Pub. L. 92-500.

#### Biodegradability—Environmental Persistence

Studies performed in the Dow Chemical Company laboratories show phenol to be readily biodegradable in the aquatic environment. This biological oxygen demand data<sup>1</sup> is as follows:

Time, days	Part/part	Percent theoretical
5.....	1.82	77
10.....	1.85	78
20.....	2.33	99

Phenol is also metabolized by a large variety of microorganisms. Activated

<sup>1</sup>Van Duuren, B. L., T. Blazej, B. M. Goldschmidt, C. Katz, S. Melchionne, and A. Swak, 1971. Cocarcinogenesis Studies on Mouse Skin and Inhibition of Tumor Induction. J. Nat. Cancer Inst. 46, 5:1039-1044.

<sup>2</sup>Linnick, A. B., U. Kirso, L. A. Savluchinskaya, M. Gubergits, and L. M. Shabad, 1973. Effect of Phenol and 5-Methylresorcinol on the Carcinogenic Activity of Benzo A<sup>+</sup>pyrene. Aesth Nsv. trad. Akad. Toim. Keemv. Geol. 22, 3:224-229.

#### References

<sup>3</sup>Broster, J. S., "Dynamic Acute Toxicity of Selected Phenol and Benzene Compounds to Rainbow Trout, *Salmo gairdneria*, Richardson" Dow Report WC 74016, CRI No. 74682.

<sup>4</sup>Internal Dow data, Health & Environmental Research, Midland.

<sup>5</sup>Final Report of NSF Workshop Panel to Select Organic Compounds Hazardous to the Environment 1975.

<sup>6</sup>Alexander, Pollution Evaluation of Compounds, CRI No. 752002 (2/26/75).

sludge systems which effectively biodegrade phenol are widely reported in the literature.<sup>2,3,4,5,6</sup>

The vapor pressure of phenol is relatively low, 0.357 mmHg at 20°C. Studies in Dow laboratories<sup>1</sup> showed that a 4 hour aeration of dilute aqueous solution of phenol resulted in 0.0% removal. Thus phenol is not readily released to the atmosphere from aqueous systems.

Phenol is slightly reactive with RO<sub>2</sub> (t<sub>1/2</sub>=5 months) and very reactive with O<sub>3</sub> (t<sub>1/2</sub>=9.6 hours) and HO (t<sub>1/2</sub>=1 day). Log partition coefficient is 1.48,<sup>7</sup> and water solubility is 67 b/l at 16°C.<sup>8</sup>

"It is reported to be widely present in environmental water, but without firm figures".<sup>7</sup> Phenol has been shown to be more than 99% biodegraded in seven days.<sup>5</sup>

#### 2,4-Dichlorophenol and 2,4,5-Trichlorophenol

The purpose of this petition is to request that 2,4-dichlorophenol (2,4 DCP) and 2,4,5-trichlorophenol (2,4,5 TCP) be removed from the Toxic Pollutant list. The basis for this request is that both of these compounds fail several of EPA's criteria for listing a material as a toxic pollutant. These criteria are discussed below.

#### Persistence and Degradability

BOD studies carried out in Dow laboratories indicate that neither 2,4 DCP nor 2,4,5 TCP persist in the aquatic environment. These results are given in the table below.

Compound	BOD			Theoretical oxygen demand— theory
	5 Days	10 Days	20 Days	
2,4 DCP....	0.9	0.92	0.92	1.28
2,4,5 TCP..	0.44	0.58	0.75	1.01

The above results indicate that both compounds are rapidly degraded.

<sup>2</sup>Heukelekian, H., Rand, M. C., "Biochemical Oxygen Demand of Pure Organic Compounds". *Sewage & Industrial Wastes*, 27, 1040 (1955).

<sup>3</sup>Alexander, H. C., et al, Biodegradation of <sup>14</sup>C-Phenol by Activated Sludge, Paper Presented Before the Division of Fuel Chemistry, American Chemical Society, Atlantic City, N.J., September, 1974.

<sup>4</sup>McKinney, et al, "Metabolism of Aromatic Compounds by Activated Sludge", *Sewage & Industrial Wastes*, Vol. 28, p. 547, 1958.

<sup>5</sup>Bunch, "Biodegradability Test for Organic Compounds", *Journal of Water Pollution Control Federation*, Vol. 39, p. 181-187, 1967.

<sup>6</sup>Sugiyama, Oba, et al, "Biodegradation Data of Various Organic Compounds", *Annual Report Institute of Food Microbiology*, Chiba University, Vol. 25, p. 41-88, 1972.

<sup>7</sup>Final Report of NSF Workshop Panel to Select Organic Compounds Hazardous to the Environment.

<sup>8</sup>Handbook of Chemistry and Physics, 43rd Edition, Chemical Rubber Publishing Co., 1961-1962.

#### Toxicity

2,4 DCP (Oral LD50 rats—2.96 gm/Kg) and 2,4,5 TCP (Oral LD50 rats—4.0 gm/Kg) have very low acute oral toxicities.

No data has been found which indicates that either 2,4 DCP or 2,4,5 TCP is a carcinogen, teratogen or mutagen. The chronic and subchronic studies available do, however, suggest that they are not carcinogens.

D. D. McCollister et al (1961, attached) carried out three-month feeding studies with male and female rats using diets that contained 0, 0.01, 0.03, 0.1, 0.3 and 1.0 g/Kg/day of 2,4,5 TCP. No effects were noticed on rats fed up to 0.1 g/Kg/day and only slight kidney and liver effects were observed at levels of 0.3 and 1.0 g/Kg/day.

G. W. Anderson et al (1949, attached) fed zinc 2,4,5-trichlorophenolate to groups of cattle at dosages of 0.8 and 7.2 gm/100 lbs of animal weight for 78 days and at a dose of 2.4 gm/100 lbs for 154 days. The observed no adverse toxic effects.

S. Kobayashi et al (1972, attached) carried out six-month feeding studies in which male mice were fed 100 and 230 mg/Kg/day of 2,4 DCP in their diets. The results obtained indicated no remarkable findings at either dosage. The authors assigned a maximum no effect level of 100 mg/Kg/day for 2,4 DCP and placed it in a category of high safety.

The toxicological findings indicate that both 2,4 DCP and 2,4,5 TCP have relatively low oral toxicities.

The above information indicates that neither 2,4 DCP nor 2,4,5 TCP meet the EPA criteria of toxicity, persistence or degradability necessary to designate them as a toxic pollutant under Section 307(a)(1) of Pub. L. 92-500 and therefore should be removed from the list.

#### References

Anderson, G. W., C. H. Arndt, E. G. Godbey, and J. C. Jones 1949 (August) Cattle-Feeding Trials with Derivatives of 2,4,5-Trichlorophenol. *Jour. AVMA* p. 121.

Kobayashi, S., T. Fukunda and K. Kawaguchi 1972. Chronic Toxicity of 2,4-Dichlorophenol in Mice. A Simple Design for Checking the Toxicity of Residual Metabolites of Pesticides. *Toho Iga Kkal Zasshi* 19:3-4:356-362.

McCollister, D., D. T. Lockwood and V. K. Rowe 1961 Toxicologic Information on 2,4,5-Trichlorophenol. *Toxicol. Appl. Pharmacol.* 3:63-70.

#### Pentachlorophenol

We hereby request that pentachlorophenol (PCP) be removed from the list of toxic pollutants under Section 307(a)(1) of PL 92-500 because it does not meet the criteria of persistence and toxicity as discussed below.

### Persistence

There are a number of studies which indicate that PCP does not persist in the environment. Arsenault (1976) summarizes the naturally occurring detoxification mechanisms, i.e., biodegradation, degradation by light, methylation, and conjugation with sulfate (detoxified bound form). Chu and Kirsch (1972) and Etzel and Kirsch (1975) demonstrated the biodegradability of PCP in continuous-flow enrichment cultures. PCP concentrations as high as 200 ppm were metabolized as the sole source of organic carbon and energy, the product of metabolism being carbon dioxide (CO<sub>2</sub>).

### Toxicity

No evidence has been cited for the carcinogenicity, teratogenicity, or mutagenicity of PCP. Boutwell and Bosch (1959) reported that PCP did not induce skin tumors in mice even when exposure to a promoter (dimethylbenzanthracene) preceded application of PCP. Innes et al. (1969) conducted bioassay tests on a number of pesticide chemicals, searching for tumorigenic effects on mice. PCP was one of the compounds which gave no significant indication of tumorigenicity. Schwetz et al. (1978) found that PCP was not carcinogenic when administered to rats in their diet on a chronic basis at dose levels sufficiently high to cause mild signs of toxicity. A study on the effect of PCP on rat embryonal and fetal development by Schwetz et al. (1974) showed that PCP was not teratogenic, but was embryotoxic and fetotoxic. Hinkle (1973) also observed fetal deaths and/or resorptions in fetuses of pregnant hamsters administered PCP. In the teratology study by Schwetz et al. cited above, the no-adverse-effect dose level of PCP was 5 mg/kg per day. A no-adverse-effect dose level of 3 mg PCP/kg per day was found in a 90-day dietary study (Johnson et al., 1973), a 2-year feeding study, and a single generation reproduction study (Schwetz et al., 1978) on PCP in rats. Bauselmaier et al. (1972) and Propping et al. (1973), using the host-mediated assay test in mice, observed that PCP caused no significant increase in mutation rates in the test microorganisms. Lemma and Ames (1975), using the Ames test, also determined that PCP was not mutagenic in this system.

PCP has an LC<sub>50</sub> of approximately 50-2000 µg/liter to fish. This wide range results from data derived using different species of fish, test conditions (static or flow-through water), exposure periods, pH values, and temperatures. Said data will be used to establish water quality

criteria for PCP. Effluent limitations should be derived for each individual NPDES permit based on the water quality criteria and local hydraulic conditions in accordance with Section 302 of PL 92-500.

The properties of PCP, discussed above, indicate that it should be precluded from Section 307(a)(1) of Pub. L. 92-500.

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[FR Doc. 79-3441 Filed 11-6-79; 8:45 am]

BILLING CODE 6560-01-M

### FEDERAL COMMUNICATIONS COMMISSION

[EC Docket No. 79-280, File No. BPCT-5127; and EC Docket No. 79-281; File No. BPCT-5205]

Consolidated Broadcasting Co. and Word Broadcasting Network, Inc.; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: October 22, 1979.

Released: October 31, 1979.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, filed by Consolidated Broadcasting Company (Consolidated) and Word Broadcasting Network, Incorporated (Word), for a commercial television station on channel 21, Louisville, Kentucky. Consolidated is the licensee of WRDB-TV, channel 41, Louisville, and is seeking to change its frequency to channel 21; Word seeks to operate a new station.

2. Consolidated has not submitted financial data on the estimated cost of converting to channel 21, nor has it submitted current balance sheets (within 90 days of filing) to enable the Commission to determine its financial ability to make the change. Consequently, a limited financial issue will be specified against Consolidated.

3. Analysis of the financial data submitted by Word reveals that \$359,379 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$159,317
Equipment payments with interest	43,465
Building remodeling	5,400
Miscellaneous	101,747
Operating costs (three months)	49,450

Word plans to finance construction and operation with a "contingent" loan of \$800,000 from the Evangel Ministries (Evangel) of Louisville, Kentucky. Balance sheets of both Word and Evangel are dated more than 90 days from the date of filing. Further, Evangel's balance sheet does not show sufficient liquid assets to support the loan commitment. Accordingly, a limited financial issue will be specified against Word to demonstrate the availability of funds to meet its financial requirements.

4. Except as indicated by the issues specified below, the Commission finds Consolidated Broadcasting Company and Word Broadcasting Network, Inc. legally, financially, technically, and otherwise qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is

unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Consolidated:

(a) The cost of construction and conversion to channel 21; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Word:

(a) The availability of the loan from Evangel; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a) (2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission,  
Richard J. Shiben,  
Chief, Broadcast Bureau.

[FR Doc. 79-34309 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 79-283, File No. BP-20, 365;  
BC Docket No. 79-284, File No. BP-21, 073]

### Cornwall Broadcasting Corp., et al.; Memorandum Opinion and Order

In re applications of Cornwall Broadcasting Corp., Hudson, Wisconsin, Req: 740 KHz, 500 watts, DA-D [BC Docket No. 79-283; File No. BP-20, 365]; and John I. Hanten and Carol A. Hanten Zumbrota, Minnesota, Req: 740 KHz, 250 watts, DA-D [BC Docket No. 79-284; File No. BP-21, 073]; *Memorandum Opinion and Order* designating applications for consolidated hearing on stated issues.

Adopted: October 24, 1979.

Released: November 2, 1979.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications.

2. Analysis of the financial data submitted by Cornwall Broadcasting Corp. (Cornwall) reveals that \$78,925 will be required to construct and operate the station for three months, itemized as follows:

Equipment downpayment	\$17,269
Equipment payments (three months)	5,094
Building	5,000
Miscellaneous	24,500
Interest on bank loan (three months)	2,062
Operating costs (three months)	25,000
Total	78,925

Cornwall plans to finance construction and operation with the following funds: deferred equipment credit, \$56,037; bank loan, \$75,000; and stockholder loan, \$50,000. However, the deferred credit commitment letter from RCA expired on February 23, 1979. In addition, the loan commitment letter from the Town and Country State Bank of Newport, Minnesota requires as collateral the personal guarantee of the stockholders. However, Cornwall has not submitted a statement establishing the stockholders' willingness to guarantee the loan, as required by Paragraph 4(e) of FCC Form 301, Section III. Finally, the balance sheet of Cornwall's stockholders, Dr. and Mrs. Milton A. Cornwall, does not show net current and liquid assets to support the availability of the proposed stockholder loan. Accordingly, we are unable to determine that any of the sources of funds Cornwall proposes to rely upon will be available. Therefore, a general financial issue will be specified.

3. Cornwall has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971), as detailed in our deficiency letter to the applicant. From the information before us, it appears

that the applicant has failed to survey leaders of significant population groups set forth in its demographic study, as required by Question and Answer 20 of the *Primer*. For example, Cornwall states that community organizations include 4-H, Boy and Girl Scouts, Hudson Association of Retired Persons, Woman's Club, American Legion and Veterans of Foreign Wars, but it has not interviewed any leaders of community groups and interests representing youth and students, the elderly, women and military. In addition, the applicant failed to disclose the date on which the general public survey was conducted as required by Question and Answer 15 of the *Primer*. Lastly, Cornwall has failed to show which programs will be responsive to which problems and needs and indicate the anticipated time segment (e.g., 9:30 a.m.) for its proposed programs. (See Question and Answer 29.) Accordingly, a limited ascertainment issue will be specified.

4. The respective proposals, which are for different communities, would serve substantially different areas and populations.<sup>1</sup> Consequently, it will be necessary to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine whether Cornwall Broadcasting Corp. is financially qualified to construct and operate the proposed station.

3. To determine with respect to the efforts of Cornwall Broadcasting Corp. to ascertain the needs of the proposed service area:

<sup>1</sup>Zumbrota (1970 population 1,929) is located approximately 48 miles south of Hudson (1970 population 5,049).



(a) whether the applicant interviewed leaders of youth and students, the elderly, women and military.

(b) whether the applicant complied with Question and Answer 15 of the *Primer* with respect to the date(s) on which the general public survey was conducted.

(c) whether the applicant's programming proposal reflects an evaluation of its ascertained needs and interests.

4. To determine in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the data fixed for the hearing and to present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-34310 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 79-278, File No. BP-20, 596; BC Docket No. 79-279, File No. BP-780728AM]

**Fleming County Broadcasting, Inc. and Flemingsburg Broadcasting Co., Inc.**

In re applications of Fleming County Broadcasting, Inc., Flemingsburg, Kentucky, Req: 1060 kHz, 500 W, DA, Day (BC Docket No. 79-278; File No. BP-20,596); and Flemingsburg Broadcasting Co., Inc., Flemingsburg, Kentucky, Req: 1060 kHz, 1 kW (500 W-CH), DA-2, Day (BC Docket No. 79-279; File No. BP-780728AM); For Construction Permits. *Memorandum Opinion and Order*

designating applications for consolidated hearing on stated issues.

Adopted: October 22, 1979.

Released: October 31, 1979.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Fleming County Broadcasting, Inc. (Fleming County) <sup>1</sup> and Flemingsburg Broadcasting Co., Inc. (Flemingsburg).

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Flemingsburg published the required notice, and the local notice given by Fleming County does not appear to meet the requirements of § 73.3580(f) in that it did not contain the names of all officers and directors of the applicant corporation and a description of the proposed antenna. To remedy these deficiencies, each applicant will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Both Flemingsburg and Fleming County have failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that they have failed to survey leaders of significant population groups set forth in their demographic studies. *Primer, supra*, Questions and Answers 13(a) and 16. For example, Flemingsburg has interviewed no leaders of women, the elderly, blacks, charities, civic groups, consumer groups, culture, labor, and recreation, and Fleming County has failed to survey leaders of blacks and the elderly. Issues will therefore be specified.

4. Further, with respect to the application of Flemingsburg, Question and Answer 6 of the *Primer* requires an applicant to ascertain the problems of major communities which are outside the city of license and which the applicant undertakes to serve. Question and Answer 7 provides that ascertainment in such communities may

<sup>1</sup> Fleming County's application includes an amendment filed on September 21, 1979 updating the availability of a bank loan relied upon and correcting typographical errors in the application. Although this amendment was filed after the deadline specified in the Commission's June 27, 1979 cut-off letter, the Commission accepts the amendment pursuant to Section 1.85 of its Rules and for good cause shown.

consist of consultations with leaders who can be expected to have a broad overview of community problems. In the alternative, if an applicant chooses not to serve such a community, it must explain why. Flemingsburg's proposal would serve more than 54,000 persons outside of Flemingsburg, but all of the applicant's leader interviews were conducted in Flemingsburg. As Flemingsburg has neither interviewed appropriate leaders of these outlying areas nor explained why it does not intend to serve them, an issue will be specified.

5. Finally, data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive primary service of 0.5 mV/m or greater strength, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Flemingsburg has interviewed community leaders that reflect the composition of Flemingsburg, Kentucky.

2. To determine whether Fleming County has interviewed community leaders that reflect the composition of Flemingsburg, Kentucky.

3. To determine whether Flemingsburg has adequately ascertained community problems outside of its proposed community of license.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications should be granted.

8. *It is further ordered*, That the applicants herein shall publish local notice of the filing of their applications in the manner prescribed in § 73.3580 of

the Commission's Rules, and shall advise the presiding administrative Law Judge of the publication of such notice as required by § 73.3580(h) of the Rules.

9. *It is further ordered*, That, in the event of a grant of the application of Flemingsburg Broadcasting Co., Inc., the construction permit shall contain a condition that program tests will not be authorized until the permittee has shown that James M. Hay and A. Dale Bryant have divested themselves of all interests in, and severed all connections with, Station WIRV, Irving, Kentucky.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shibeb,  
Chief, Broadcast Bureau.

[FR Doc. 79-34312 Filed 11-6-79; 8:45]

BILLING CODE 6712-01-M

[BC Docket No. 79-276, File No. BPH-10628; BC Docket No. 79-277, File No. BPH-10896]

#### Phillips Radio, Inc. and Chickasaw Broadcasting Associates

In re applications of Phillips Radio, Inc.; Chickasaw, Alabama. Req: 98.3 MHz, Channel #252 1.70 kW (H&V), 410 feet (BC Docket No. 79-276; File No. BPH-10628); and Calvin Roberds, Jr., Ellen A. Bailey, Jay Dickie Roberds, and Stephen S. Riggs, DBA Chickasaw Broadcasting Associates Chickasaw, Alabama. Req: 98.3 MHz, Channel #252 3.0 kW (H&V), 205 feet (BC Docket No. 79-277; File No. BPH-10896) For Construction Permits. Memorandum Opinion and order, designating applications for consolidated hearing on stated issues.

Adopted: October 15, 1979.

Released: October 31, 1979.

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to

delegated authority, has under consideration the above-captioned mutually exclusive applications for a new FM broadcast station at Chickasaw, Alabama.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shibeb,  
Chief, Broadcast Bureau.

[FR Doc. 79-34311 Filed 11-6-79; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1479]

McGuire International, Hana Forwarding Co., Inc., d.b.a.; Order of Revocation

On October 29, 1979, McGuire International, Hana Forwarding Co., Inc., d.b.a., 6065 Hillcroft, Suite 600, Houston, Texas 77081, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1479 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977.

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1479 issued to McGuire International, Hana Forwarding Co., Inc., d.b.a., be and is hereby revoked effective October 29, 1979, without prejudice to reapplication for a license in the future.

*It is further ordered*, That a copy of this Order be published in the Federal Register and served upon McGuire International, Hana Forwarding Co., Inc., d.b.a.

Robert G. Drew,  
Director, Bureau of Certification and Licensing.

[FR Doc. 79-34334 Filed 11-6-79; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

##### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than November 29, 1979.

**A. Federal Reserve Bank of Philadelphia, 100 North 6th Street, Philadelphia, Pennsylvania 19105:**

Fidelcor Inc., Rosemont, Pennsylvania (financing; Pennsylvania): To engage, through its subsidiary, Fidelity Credit Corporation, in holding one note for an extension of credit made for its own account to a business trust and collecting the proceeds from that loan. These activities would be conducted from an office in Rosemont, Pennsylvania, serving the county in which the office is located.

**B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:**

FirstBank Holding Company, Lakewood, Colorado (insurance activities; Colorado): To continue to engage in acting as an insurance agent in the sale of insurance activities; Colorado): To continue to engage in acting as an insurance agent in the sale of insurance to its banking subsidiaries and in the sale of life and disability insurance that is directly related to an extension of credit by the Applicant and its subsidiaries. These activities would be conducted at the offices of Applicant's subsidiary banks in the following locations: FirstBank of Westland, N.A., Lakewood, Colorado; FirstBank of Wheat Ridge, Colorado; FirstBank of North Longmont, N.A., Longmont, Colorado; FirstBank of Vail, Vail, Colorado; FirstBank of Minturn, Minturn, Colorado; FirstBank of Erie, Erie, Colorado; FirstBank of Gunbarrel, N.A., Boulder, Colorado; FirstBank of Castle Rock, N.A., Castle Rock, Colorado; FirstBank of Academy Park,

Lakewood, Colorado; FirstBank of South Longmont, N.A., Longmont, Colorado; and FirstBank of West Arvada, N.A., Arvada, Colorado, serving the town of Erie and Boulder, Douglas, Eagle and Jefferson Counties, Colorado.

**C. Other Federal Reserve Banks: None.**

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,  
Assistant Secretary of the Board.

(FR Doc. 79-34335 Filed 11-6-79; 8:45 am)  
BILLING CODE 6210-01-M

**Bank Holding Companies; Proposed De Novo Nonbank Activities**

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 29, 1979.

**A. Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Massachusetts 02106:**

1. CBT Corporation, Hartford, Connecticut (commercial financing and full payout leasing activities: Oklahoma,

Texas and Kansas): To engage, through its subsidiary, General Discount Corporation, Boston, Massachusetts, in commercial financing, including the making of loans secured by accounts receivable, inventory, machinery and equipment and real estate, and full payout leasing of equipment. These activities will be conducted from an office in Oklahoma City, Oklahoma, serving the states of Oklahoma, Texas and Kansas.

2. Old Stone Corporation, Providence, Rhode Island (mortgage banking activities and insurance agency activities; Alabama): To engage, through its proposed new indirect subsidiary, DAC Corporation of Alabama, in the origination, sale and servicing of first and second mortgage loans and the sale of credit life and credit health and accident insurance sold in connection with extensions of credit. These activities would be conducted from an office in Mobile, Alabama, servicing the immediate, metropolitan area of Mobile and Mobile County, Alabama. Comments on this application should be received by November 26, 1979.

**B. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:**

Manufacturers Hanover Corporation, New York, New York (leasing and finance activities; Alaska, Washington, Oregon, Northern Idaho): To engage, through its subsidiary, Manufacturers Hanover Leasing Corporation, in leasing real and personal property on a full payout basis; acting as agent, broker or advisor in leasing such property in accordance with the Board's regulations; making and acquiring loans and other extensions of credit with respect to such property; and servicing such leases, loans or other extensions of credit. These activities would be conducted from an office in Seattle, Washington, serving Alaska, Washington, Oregon, and Northern Idaho.

**C. Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101:**

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; California): To engage, through a wholly-owned subsidiary, The Kissell Company, Springfield, Ohio, in the activity of the making or acquiring and servicing for its own account and/or the accounts of others, loans and other extensions of credit such as would be made by a mortgage company. Such activities will be conducted at the *de novo* office located in Vallejo, California, and serving the Metropolitan area of Vallejo, including the counties of Solano and Napa.

D. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

1. *United Bancorp of Arizona*, Phoenix, Arizona (mortgage banking activities; Arizona): To engage, through its subsidiary, H. S. Pickrell Company, in making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages or deeds of trust. These activities would be conducted at an office in northwest Phoenix. This office would serve the northwest section of Phoenix and Maricopa County. Comments on this application should be received by November 28, 1979.

2. *Western Bancorporation*, Los Angeles, California (insurance activities; Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin: To engage, through its subsidiary, *Western Bancorp Insurance Company*, Los Angeles, California, in the sale, as agent or broker, of credit life insurance and credit accident and health insurance and property and casualty insurance directly related to extensions of credit or the provision of financial services (servicing loans and other extensions of credit) by the Applicant and its affiliates. These activities would be conducted from all of the offices of Applicant's affiliates whose main offices are located as follows: *Western Bancorp Data Processing Company*, Torrance, California; *Western Asset Management Company*, Los Angeles, California; *Western Bancorp Mortgage Company*, Denver, Colorado; *First National Bank of Arizona*, Phoenix, Arizona; *United California Bank*, Los Angeles, California; *The American National Bank of Denver*, Denver, Colorado; *Continental National Bank*, Englewood, Colorado; *First National Bank*, Fort Collins, Fort Collins, Colorado; *Bank of Idaho, N.A.*, Boise, Idaho; *Bank of Glacier County*, Cut Bank, Montana; *The Conrad National Bank of Kalispell*, Kalispell, Montana; *Montana Bank*, Great Falls, Montana; *Bank of Nevada*, Las Vegas, Nevada; *First National Bank of Nevada*, Reno, Nevada; *Bank of New Mexico*, Albuquerque, New Mexico; *First State Bank at Gallup*, Gallup, New Mexico; *New Mexico Bank and Trust Company*,

Hobbs, New Mexico; *Roswell State Bank*, Roswell, New Mexico; *Santa Fe National Bank*, Santa Fe, New Mexico; *First National Bank of Oregon*, Portland, Oregon; *Walker Bank & Trust Company*, Salt Lake City, Utah; *Pacific National Bank of Washington*, Seattle, Washington; *First National Bank of Casper*, Casper, Wyoming; *The First National Bank of Laramie*, Laramie, Wyoming; *The First National Bank of Riverton*, Riverton, Wyoming. This notice amends the notice published at 44 FR 58543. These offices will serve, in addition to those states noted in the previous notice, Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Comments on this application must be received by November 28, 1979.

E. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34338 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests

a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than November 28, 1979.

A. *Federal Reserve Bank of St. Louis*, 411 Locust Street, St. Louis, Missouri 63166:

1. *Mercantile Bancorporation Inc.*, St. Louis, Missouri (insurance activities; Missouri): to expand services as an insurance agency or brokerage, through its subsidiary, *MBI Insurance Agency, Inc.*, to include the following types of insurance: (a) Physical damage insurance on property used as collateral for extension of credit or the provision of other financial services in the banking and nonbanking subsidiary offices of the holding company located in the State of Missouri (such as a bank or other subsidiary providing the servicing function for investors in real estate mortgage loans or mobile home loan paper); and (b) insurance customarily sold as part of an insurance package with or in conjunction with the physical damage insurance that protects the collateral. These services would be available at various offices of Applicant's banking and nonbanking subsidiaries located in the State of Missouri.

B. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing and insurance activities; Iowa), to engage, through its subsidiary *FinanceAmerica Corporation*, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, engaging in the activities of an industrial loan company under the Iowa Industrial Loan Law, and servicing loans and other extensions of credit. Such activities will include but not be limited to making consumer installment loans, purchasing installment sales of finance contracts, making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and selling, as agent, life, accident and

health, and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities would be conducted from an office in Cedar Rapids, Iowa, serving the State of Iowa.

*C. Other Federal Reserve Banks:*  
None.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34337 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

#### **Brownfield Bancshares, Inc.; Formation of Bank Holding Company**

Brownfield Bancshares, Inc., Brownfield, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Brownfield State Bank & Trust Co., Brownfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.

Griffith L. Garwood,  
*Deputy Secretary of the Board.*

[FR Doc. 79-34338 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

#### **Detroitbank Corp.; Acquisition of Bank**

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire 100 percent of the voting shares of Second National Corporation, Saginaw, Michigan, thereby acquiring indirect control of Second National Bank of Bay City, Bay City, Michigan, and Second National Bank of Saginaw, Saginaw, Michigan. The Factors that are

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Detroitbank Corporation, Detroit, Michigan, is also engaged, through a subsidiary, in the following nonbank activities: Leasing real and personal property in accordance with the Board's Regulation Y. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 30, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34339 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

#### **Detroitbank Corp.; Proposed Acquisition of Century Life Insurance Co. of Michigan**

Detroitbank Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Century Life Insurance Company of Michigan, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of acting as a reinsurance company, insuring credit life and credit health insurance written in connection with extensions of credit by Second National Bank of Bay City, Bay City, Michigan, and Second National Bank of Saginaw, Saginaw, Michigan. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic areas to be served are Bay, Midland, Gladwin, and Tuscola Counties, Michigan, and northern Saginaw

County, Michigan. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 30, 1979.

Board of Governors of the Federal Reserve System, October 30, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34340 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

#### **Elgin National Bancorp, Inc.; Formation of Bank Holding Company; Correction**

This notice corrects a previous Federal Register document [FR Doc. 79-32891] appearing in the second column on page 61457 of the issue for Thursday, October 25, 1979.

The Elgin National Bancorp, Inc., Elgin, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Elgin National Bank, Elgin, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in



writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 18, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34341 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **Elk River Bancshares, Inc.; Formation of Bank Holding Company**

Elk River Bancshares, Inc., Elk River, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.5 percent of the voting shares of First National Bank of Elk River, Elk River, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34342 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **First Charter Financial Corp., Syracuse Bancorp, Inc.; Acquisition and Formation of Bank Holding Company**

First Charter Financial Corporation, Syracuse, Indiana, has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire 68.3 per cent of the voting shares of Syracuse Bancorp, Inc., Syracuse, Indiana. Syracuse Bancorp, Inc. has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) to acquire 80 per cent

or more of the voting shares of The State Bank of Syracuse, Syracuse, Indiana. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.

Griffith L. Garwood,

*Deputy Secretary of the Board.*

[FR Doc. 79-34343 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **First Dakota Financial Corp.; Formation of Bank Holding Company**

First Dakota Financial Corporation, Bismarck, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88 percent or more of the voting shares of State Bank of Burleigh County Trust Company, Bismarck, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34344 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **First of Irving, Inc.; Formation of Bank Holding Company**

First of Irving, Inc., Irving, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Irving, Irving, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34345 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **First State Bancshares, Inc., of King City; Formation of Bank Holding Company**

First State Bancshares, Inc., of King City, King City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89 per cent or more of the voting shares of First State Bank of King City, King City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.  
William N. McDonough,  
*Assistant Secretary of the Board.*  
[FR Doc. 79-34346 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**Grandville Financial Holdings, Ltd.,  
Grandville California Holdings, Inc.,  
Halifax Financial Holding, Inc.;  
Formation of Bank Holding  
Companies; Correction**

This notice corrects a previous Federal Register document (FR Doc. 79-33075) published in the first column on page 61656 of the issue for Friday, October 26, 1979. In the second paragraph of that notice, the final date for receipt of comment should read "November 15, 1979."

Board of Governors of the Federal Reserve System, October 26, 1979.  
William N. McDonough,  
*Assistant Secretary of the Board.*  
[FR Doc. 79-34347 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**Green River Co.; Formation of Bank  
Holding Company**

Green River Company, Green River, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank, Green River, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.  
William N. McDonough,  
*Assistant Secretary of the Board.*  
[FR Doc. 79-34348 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**Jena Bancshares, Inc.; Formation of  
Bank Holding Company**

Jena Bancshares, Inc., Jena, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Jena, Jena, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.  
William N. McDonough,  
*Assistant Secretary of the Board.*  
[FR Doc. 79-34349 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**National City Bancorporation;  
Formation of Bank Holding Company**

National City Bancorporation, Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The National City Bank of Denver, Denver, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.  
William N. McDonough,  
*Assistant Secretary of the Board.*  
[FR Doc. 79-34350 Filed 11-6-79; 8:45 am]  
BILLING CODE 6210-01-M

**NCNB Corp., First & Merchants Corp.,  
First Atlanta Corp.; Proposed  
Retention of Tri-South Management  
Associates**

NCNB Corporation, Charlotte, North Carolina, through its direct subsidiary, NCNB Tri-South Corporation, Charlotte, North Carolina, First and Merchants Corporation, Richmond, Virginia, through its direct subsidiary, F&M Tri-South Corporation, Richmond, Virginia, and First Atlanta Corporation, through its indirect subsidiary First Atlanta Tri-South Corporation, which is a subsidiary of T.&B.P.C., Inc., Atlanta, Georgia, a direct subsidiary of First Atlanta Corporation, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y for permission to retain voting shares of Tri-South Management Associates, a partnership that serves as the investment adviser to Tri-South Mortgage Investors, a Massachusetts business trust operating as a real estate investment trust.

These activities would be performed from an office in Atlanta, Georgia, and the geographic area to be served is Atlanta, Georgia. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank hold companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Banks of Richmond or Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D. C. 20551, not later than November 29, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34351 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **NCNB Corp.; Proposed Retention of Superior Life Insurance Co.**

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain indirectly voting shares of Superior Life Insurance Company, Florence, South Carolina.

Applicant states that the subsidiary engages in the activities of underwriting credit life insurance and credit accident and health insurance directly related to extensions of credit by certain of Applicant's credit granting subsidiaries. These activities would be performed from the office of Applicant's subsidiary in Florence, South Carolina, and the geographic areas to be served are the States of South Carolina, North Carolina, Tennessee, Virginia and Alabama. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 29, 1979.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34352 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **Portland Financial Services, Inc.; Formation of Bank Holding Company**

Portland Financial Services, Inc., Portland, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.36 per cent or more of the voting shares of The Citizens Bank of Portland, Portland, Indiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34353 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **Seaway Bancshares, Inc.; Formation of Bank Holding Company**

Seaway Bancshares, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of Seaway National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34354 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

#### **Security State Bancorp, Inc.; Formation of Bank Holding Company**

Security State Bancorp, Inc., Mooreland, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92 per cent or more of the voting shares of Security State Bank, Mooreland, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-34355 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M



### **Southern National Corp., Proposed Retention of Unified Investors Life Insurance Co.; Correction**

This notice corrects a previous FR Doc. (FR Doc. 79-33079) published in the third column on page 61656 of the issue for Friday, October 26, 1979. The first paragraph should read:

Southern National Corporation, Lumberton, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Unified Investors Life Insurance Company, Phoenix, Arizona.

Board of Governors of the Federal Reserve System October 30, 1979.

William N. McDonough,

*Assistant secretary of the Board.*

[FR Doc. 79-34356 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

### **Southwest Bancshares, Inc.; Acquisition of Bank**

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Woodlands National Bank, The Woodlands, Montgomery County, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(3)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 26, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 26, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34357 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

### **Sundown Bankshares, Inc.; Formation of Bank Holding Company**

Sundown Bankshares, Inc., Sundown, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92 per cent of the voting shares of Sundown State Bank, Sundown, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 31, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-34358 Filed 11-6-79; 8:45 am]

BILLING CODE 6210-01-M

## **GENERAL ACCOUNTING OFFICE**

### **Regulatory Reports Review; Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 31, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 26, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports

Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

### **Federal Trade Commission**

The FTC requests an extension without change clearance of the Special Report on Acquisitions and Mergers in the Fluid Milk Products Industry, Forms A & B, and Notification Form. This Special Report Form has been adopted by the Federal Trade Commission in implementation of its "Enforcement Policy with Respect to Mergers in the Dairy Industry," first published in the Federal Register on July 3, 1973 (Vol. 38, No. 127). The information collected by the report is used to determine whether mergers violate the Commission's guidelines and should be opposed by the Commission. The purpose of the FTC enforcement policy is to prevent undue concentration in the dairy industry and to foster a competitive atmosphere in the industry. The Special Report must be filed 60 days preceding consummation of a merger or acquisition. The FTC estimates respondents will number approximately 30 dairy processors and that reporting burden will average 15 hours per Special Report filed.

### **Interstate Commerce Commission**

The ICC requests clearance of rules governing the filing of System Diagram Maps, which relate to the filing of applications for the issuance of Certificates of Public Convenience and Necessity authorizing the abandonment of a railroad line or the operation thereof, and financial assistance offers once abandonment has been authorized. The rules are contained in 49 CFR 1121, specifically §§ 1121.22, 1121.23, 1121.24, 1121.31 (b), (c), (d), (g), (h)(2), (4) and (k). By decision served November 10, 1976, in Ex Parte No. 274 (Sub-No. 2) the Interstate Commerce Commission promulgated rules and regulations to implement changes made in the Interstate Commerce Act relating to the abandonment of railroad lines or operation thereof, as a result of enactment of the Rail Reorganization and Regulatory Reform Act of 1976. These rules and regulations are necessary for the Commission to learn, among other things, what lines are contemplated for abandonment; how much traffic moves over the lines of the railroad; what condition the abandonment trackage is in; what materials can be salvaged after the abandonment and whether they can be sold or used to public advantage in the operations of the applicant and in the

public interest; and what financial assistance may be available to the railroad. The ICC anticipates that 300 maps and 15 offers of financial assistance will be filed annually and that the time to prepare each map will average 25 hours, and each offer of financial assistance, 50 hours.

Norman F. Heyl,

*Regulatory Reports Review Officer.*

[FR Doc. 79-34440 Filed 11-6-79; 8:45 am]

BILLING CODE 1610-01-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Privacy Act of 1974; Systems of Records; Annual Publication

#### Corrections

The Department of Health, Education, and Welfare published its annual notice of the systems of records maintained under the Privacy Act of 1974 as Part IX in the issue for Tuesday, October 9, 1979. The Part consisted of seven documents submitted by the various components of the Department. The corrections below should be made to the documents cited:

#### Office of the Secretary

##### Privacy Act of 1974

##### Systems of Records; Annual Republication; Correction

In FR Doc. 79-28861 (Office of the Secretary) appearing at page 58144, the following changes should be made:

a. On page 58144, the left-hand column, under "SUPPLEMENTARY INFORMATION", the seventh entry listed as "7.—Office of Civil Rights (OCR)" should read "7.—Office for Civil Rights (OCR)".

b. On page 58145, the right-hand column, the centered number which presently reads "09-90-0005" should read "09-90-0001".

#### Office of Human Development Services

##### Privacy Act of 1974

##### Systems of Records; Annual Republication; Correction

In FR Doc. 79-29601 (Office of Human Development Services) appearing at page 58189, the following change should be made:

a. On page 58193, the right-hand column, the centered number which presently reads "09-810-0018" should read "09-80-0018".

#### Education Division

##### Privacy Act of 1974

##### Systems of Records; Annual Publication; Correction

In FR Doc. 79-28594 (Education Division) appearing at page 58195, the following changes should be made:

a. On page 58196, the left-hand column, the sixth line, "OE" should be placed at the end of the previous line and "09-40-0004" should begin the next entry.

b. On page 58221, the right-hand column, the centered heading reading "SYSTEM NUMBER AND SYSTEM AND NAME" should read "SYSTEM NUMBER AND SYSTEM NAME".

#### Public Health Service

##### Privacy Act of 1974

##### Systems of Records; Annual Republication; Correction

In FR Doc. 79-28595 (Public Health Service) appearing at page 58265, the following changes should be made:

a. On page 58265, the left-hand column, in the second paragraph designated "ACTION," the cite reading "5 U.S.C. 552(a)" should read "5 U.S.C. 552a".

b. On page 58265, the left-hand column, in the sixth paragraph, the first line, the numerical designation reading "09-37-006" should read "09-37-0006".

c. On page 58266, the left-hand column, in the second paragraph, the cite reading "(45 CFR, Part 5b.6)" should read "(45 CFR, Part 5b.11)".

d. On page 58269, the left-hand column, under centered number 09-37-0001, the first five entries should read as follows:

#### SYSTEM NAME:

Assistant Secretary for Health Correspondence Control System HEW/OASH/ES

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Public Health Service, Room 17B-08, 5600 Fishers Lane, Rockville, Md. 20857.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Assistant Secretary for Health or have been contacted in writing by him.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Hard copies of the Assistant Secretary for Health's correspondence and

computer printout and tape control system records of that correspondence.

BILLING CODE 1505-01-M

#### Health Services Administration

##### Maternal and Child Health Research Grants Review Committee; Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

##### Maternal and Child Health Research Grants Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Contran Lambert, Jr., P.H., Bureau of Community Health Services, Room 7-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2190.

Dated: October 31, 1979.

William H. Aspdon, Jr.,

*Associate Administrator for Management.*

[FR Doc. 79-34400 Filed 11-6-79; 8:45 am]

BILLING CODE 4110-84-M

#### Office of Education

##### Arts Education Program; Extension of Closing Date for Transmittal of Applications for Fiscal Year 1980

AGENCY: Office of Education, HEW.

ACTION: Extension of Closing Date for Transmittal of Applications for Fiscal Year 1980.

SUMMARY: The December 14, 1979 closing date for transmittal of applications under the Arts Education Program is extended. The new closing date is January 28, 1980.

#### SUPPLEMENTARY INFORMATION:

Authority for this program is contained in Title III, Part C, Sections 321-323 of the Elementary and Secondary Education Act of 1965, as amended. (20 U.S.C. 2961)

The Arts Education Program issues awards to State and local education agencies and other public and private agencies, organizations, and institutions.

The purpose of the awards is to encourage and assist in the establishment and conduct of programs and projects in which the arts are an integral part of elementary and secondary school curricula.

**Applications Delivered by Mail:** An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention 13.566, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand:** An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date, January 28, 1980.

**Program Information:** An application may be submitted in one of three funding categories. However, an applicant may be funded for only one project—whether proposed singly by the applicant or jointly with other applicants.

The funding categories are: (1) State—for statewide projects; (2) urban or large community—for projects in standard metropolitan statistical areas with access to cultural resources; and (3) rural or small community—for projects in areas isolated from metropolitan

environments with limited or no cultural resources.

Each of the three categories has specific application requirements that are addressed in the regulations. All projects must be designed to—

(1) Provide opportunities for all students in the schools served by the project to acquire skills in and through several arts media, including at least dance, music, theater, and the visual arts; and

(2) Integrate these disciplines into the regular educational program of the schools, rather than to include them peripherally or as extra-curricular activities.

Each applicant shall provide for a project advisory committee broadly representative of State and local arts and educational resources. A State project shall use its official State arts education advisory committee, if one exists. A local applicant shall submit an information copy of its application to the SEA for a 30-day comment period.

The proposed regulations give examples of types of project activities for which an applicant may request support. The Commissioner may approve projects for a maximum of three years; however, renewals are subject to availability of funds and review.

Applications are judged in the following categories; needs assessment; coordination; project administration; and results, end products, or outcome. The Commissioner may add 10 points to the total score of an application to achieve geographic distribution and project diversity.

**Available Funds:** It is expected that approximately \$1,250,000 will be available for grants under the Arts Education Program in FY 1980.

It is estimated that these funds could support between 20 to 25 new projects at an average of \$50,000.

The Federal share is not expected to exceed \$100,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grants unless that amount is otherwise specified by statute or regulations.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by October 17, 1979. They may be obtained by writing to the Arts and Humanities Staff, U.S. Office of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly

urges that the narrative portion of the application not exceed 15 pages in length. The Commissioner further suggests that applicants not submit information that is not requested.

**Applicable Regulations:** The following regulations apply under this program:

(a) Regulations governing the Arts Education Program (45 CFR Part 161c). These regulations were published as a notice of proposed rulemaking in the Federal Register on June 18, 1979.

Applicants should base their applications on the notice of proposed rulemaking (See Section (c) below). When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. Applicable excerpts from EDGAR are in the application packet in Section D.

If material changes are made in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date or permit applicants to amend their applications.

(c) Some changes are being made in the final regulation governing this Program, including points allocated to the selection criteria, especially in the area of program content (§ 161.c32(b)). Copies of the final regulations will be sent to all recipients of the application packet at least 30 days prior to the closing date.

**Further Information:** For further information contact the Arts and Humanities Staff, U.S. Office of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 472-7793.

(20 U.S.C. 2961)

Dated: November 2, 1979.

(Catalog of Federal Domestic Assistance Program No. 13.566, Arts Education Program) John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-34366 Filed 11-6-79; 8:45 am]

BILLING CODE 4110-02-M

**National Advisory Council on  
Extension and Continuing Education;  
Committee Meeting**

**AGENCY:** National Advisory Council on  
Extension and Continuing Education.

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a meeting of the Ad Hoc Committee on the Media in Continuing Education of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend the meeting.

**DATE:** November 28-29, 1979.

**ADDRESS:** National Advisory Council on  
Extension and Continuing Education,  
425 Thirteenth Street, N.W.; Suite 529,  
Washington, D.C. 20004.

**FOR FURTHER INFORMATION:** Richard F.  
McCarthy, Associate Director, National  
Advisory Council on Extension &  
Continuing Education, 425 Thirteenth  
Street, N.W.; Suite 529, Washington,  
D.C. 20004, Telephone: (202) 376-8888.

The National Advisory Council on  
Extension and Continuing Education is  
authorized under Public Law 89-329.  
The Council is required to report  
annually to the President, the Congress,  
the Secretary of HEW, and the  
Commissioner of Education in the  
preparation of general regulations and  
with respect to policy matters arising in  
the administration of Part A of Title 1,  
(HEA), including policies and  
procedures governing the approval of  
State plans under Section 105; and to  
advise the Assistant Secretary of HEW  
of Part B (Lifelong Learning Activities)  
of the title.

Meetings of the Council are open to  
the public. However, because of limited  
space, those interested in attending any  
meeting are asked to call the Council's  
office beforehand. Available seats will  
be assigned on a first-come basis. The  
meeting of the Committee on the Media  
in Continuing Education will begin on  
November 28 at 7:00 p.m. and recess at  
9:00 p.m. It will be resumed on  
November 29 at 9:00 a.m. and adjourn at  
12:30 p.m.

The Committee will meet to further  
review the role of the Media in adult  
continuing education.

All records of the Council proceedings  
are available for public inspection at the  
Council's staff office, located in Suite  
529, 425 Thirteenth Street, N.W.,  
Washington, D.C.

Dated: October 31, 1979.

Richard F. McCarthy,  
Associate Director.

[FR Doc. 79-34306 Filed 11-6-79; 8:45 am]  
BILLING CODE 4110-02-M

**Office of Human Development  
Services**

**Statement of Organization, Functions,  
and Delegations of Authority**

This notice amends Part D of the  
statement of reorganization, functions,  
and delegations of authority of the  
Department of Health, Education, and  
Welfare, Office of Human Development  
Services (HDS) published in Volume 43,  
Number 147, of the Federal Register on  
July 31, 1978 (pp 33327-33347). The  
amendments are as follows:

*Administration for Children, Youth, and  
Families (ACYF)*

In the functional statement for the  
Administration for Children, Youth, and  
Families, changes in the statement of  
functions (DC.20) have been made. The  
statement of function for the Planning,  
Management, and Policy Control  
Division (DCP1) has been revised to  
reflect an expansion of the  
responsibilities of that Division. It now  
has responsibility for developing  
obligation plans, making allowances,  
and maintaining commitment registers  
for all program and S&E funds allotted  
to the ACYF Commissioner.

The revised statement for the  
Planning, Management and Policy  
Control Division reads as follows:

1. *Planning, Management, and Policy  
Control Division (DCP1)* develops long  
range planning guidance, coordinates,  
and develops the annual five-year  
forward plan; analyzes key program  
issues; and articulates goals, strategies,  
and budget projections. Develops  
guidance for the Major Initiative  
Tracking System (MITS); coordinates  
development of operational initiatives  
and implementation of processes for  
monitoring and reporting on progress  
toward achievement of MITS projects.  
Provides leadership in carrying out  
special projects of priority interest to  
ACYF, to OHDS and to the Department.  
Organizes Zero Base Budget process;  
develops policy guidance; and analyzes  
budgetary proposals. Works with OAM/  
HDS to prepare budget presentations for  
use at the Departmental, OMB, and  
Congressional levels. Provides full range  
of financial management services for all  
program and salary and expense funds  
allotted to the Commissioner. Develops  
and implements obligation plans,  
allowances, maintains commitment

registers, develops and provides status  
of funds reports to Commissioner,  
ACYF, to OHDS and other DHEW  
agencies. Analyzes existing and new  
legislation and existing and proposed  
regulations bearing upon programs  
affecting children, youth, and families;  
assesses impact on intended  
beneficiaries and existing services; and,  
as appropriate, coordinates  
development of implementation plans  
and regulatory materials. Provides and  
coordinates a central source for  
administrative services; manages  
timekeeping and payroll functions;  
develops staffing plans; coordinates the  
development of employees training  
plans; develops space utilization and  
communication plans; and maintains  
general liaison with personnel, staffing,  
and administrative offices at the OHDS  
level. Manages the Executive  
Secretariat; maintains correspondence  
control and other internal agency  
communications systems; and manages  
a system for ensuring the completion of  
action items from agency executive staff  
meetings. Provides primary liaison with  
OHDS Staff offices including OAM,  
OPRE, and OPMC.

Dated: October 29, 1979.

Patricia Roberts Harris,  
Secretary.

[FR Doc. 79-34413 Filed 11-6-79; 8:45 am]  
BILLING CODE 4110-92-M

**Office of the Secretary**

**Ethics Advisory Board; Cancellation of  
Meeting**

Notice is hereby given of the  
cancellation of the meeting of the Ethics  
Advisory Board, Office of the Secretary,  
on November 15-16, 1979, which was  
published in the Federal Register on  
October 18, 1979, Vol. 44, No. 203, p.  
60170. The Board was to have met in  
Room 800, Hubert H. Humphrey  
Building, 200 Independence Avenue,  
S.W., Washington, D.C.

The topics which would have been  
addressed at the November meeting are  
rescheduled as follows:

1. The request of the Center for Disease  
Control for a limited exemption to the  
Freedom of Information Act will be discussed  
at a meeting tentatively scheduled for  
February 1-2, 1980; and
2. The request of the National Institutes of  
Health for a limited exemption to the  
Freedom of Information Act will be discussed  
at a meeting tentatively scheduled for March  
14-15, 1980.

The Board will also begin discussion  
of the issues surrounding compensation  
for injured research subjects at the  
February and March meetings.

For further information contact: Ms. Amanda MacKenzie, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland 20016, telephone 301-496-7526.

Dated: October 31, 1979.

Barbara Mishkin,

*Acting Staff Director, Ethics Advisory Board.*

[FR Doc. 79-34412 Filed 11-6-79; 8:45 am]

BILLING CODE 4110-08-M

### Intent To Grant Exclusive License

Pursuant to Section 6.3, 45 CFR, Part 6, and 41 CFR 101-4, notice is hereby given of intent to grant to the School of Medicine of the Autonomous University of Madrid, an exclusive license with the right to sublicense to make, use and sell an invention by Dr. Mario Gosalvez entitled "Novel Anthracycline Glycosides and Methods of Preparing the Same" which is described and claimed in United States Patent No. 4,138,480, issued February 6, 1979. A copy of the patent may be obtained from the United States Patent and Trademark Office or upon written request to the Acting Chief, Patent Branch, Department of Health, Education, and Welfare, Room 5A-03 Westwood Building, c/o National Institutes of Health, Bethesda, Maryland 20205.

The proposed license will have a duration of five (5) years, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare regulations. The Department will grant the license unless, within sixty (60) days of this Notice, the Acting Chief of the Patent Branch, whose address is given above, receives in writing any of the following, together with supporting documents:

1. A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or
2. An application for a nonexclusive license to make, use or sell the invention in the United States is submitted in accordance with 41 CFR 101-4.104-2, and the applicant states that he has already brought the invention to the point of practical application or is likely to bring the invention to the point of practical application expeditiously.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare will review all written responses to this notice.

Authority: 45 CFR 6.3 and 41 CFR 101-4.

Dated October 30, 1979.

Julius B. Richmond, M.D.,

*Assistant Secretary for Health and Surgeon General.*

[FR Doc. 79-34411 Filed 11-06-79; 8:45 am]

BILLING CODE 4110-85-M

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### New Mexico; Intent To File Survey Plat

October 23, 1979.

Notice is hereby given, pursuant to Section 1813.1-2 of Code 43 Federal Regulations of intent to file the survey plat of Township 9 North, Range 9 West, New Mexico Principal Meridian, New Mexico, accepted on September 5, 1979.

The plat represents the dependent resurvey of a portion of the north and west boundaries and subdivisional lines, a corrective resurvey of a portion of the subdivisional lines and subdivision of Section 8 of the Township.

The survey was made in compliance with Decision 37 IBLA 132, Domenico A. Tussio, et al.

The plat will be officially filed in the Records Section of the Bureau of Land Management, New Mexico State Office, Santa Fe, New Mexico, on December 7, 1979.

Purpose of this notice is to inform the public of the foregoing described action. Interested persons desiring to oppose filing of the plat should address their views promptly to the Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Robert N. Palmer,

*Acting Chief, Division of Management Services.*

[FR Doc. 79-34304 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

[C-22843]

#### Colorado; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

November 12, 1979.

The Bureau of Land Management filed application Serial No. Colorado 22843 on May 24, 1976 for withdrawal of the following described lands to preserve public recreation, scenic, and other values adjacent to DeWeese Reservoir North of Westcliffe.

Sixth Principal Meridian

T. 21 S., R. 72 W.

Sec. 19: SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,

Sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,

Sec. 21: W $\frac{1}{4}$ SW $\frac{1}{4}$ ,

Sec. 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Sec. 29: Lots 1 and 2.

The area described aggregates 281.44 acres of public land.

A notice of the proposed withdrawal was published in the Federal Register on October 15, 1976, FR Doc. 76-30206. Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management at the address at the end of this notice. This must be done on or before December 12, 1979.

Notice of public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer at the Bureau of Land Management on or before December 12, 1979.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Robert D. Dinsmore,

*Chief, Branch of Adjudication.*

[FR Doc. 79-34363 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

[M 45010]

**Montana; Invitation Coal Exploration License Application**

October 30, 1979.

Members of the public are hereby invited to participate with Consolidation Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Big Horn County, Montana:

T. 9 S., R. 39 E., P.M.M.,

Sec. 23: E½,

Sec. 25: Lots 1, 2, 3, 4, W½E½, W½,

Sec. 28: E½,

Sec. 35: NE¼.

T. 9 S., R. 40 E., P.M.M.,

Sec. 30: Lots 3, 4, E½SW¼, W½SE¼,

Sec. 31: Lot 1, NE¼NW¼.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Consolidation Coal Company, #14 Inverness Drive East, Bldg. 6, Englewood, Colorado 80112. Such written notice must be received not later than 30 calendar days after the publication of this Notice in the Federal Register or 10 calendar days after the last publication of this same Notice in a newspaper of general circulation in the area where the above lands are located, whichever is later.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by Consolidation Coal Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

This Notice is being published in the Federal Register pursuant to 43 Code of Federal Regulations, § 3410.2-1(d)(1), as published in 44 FR 42584, at 42614 (No. 140, July 19, 1979). This Notice will be published by Consolidation Coal Company in a newspaper of general circulation in the area where these lands are situated.

Donald W. Wirth,

*Acting Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 79-34394 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 30 N., R. 8 W.,

Sec. 18, NE¼SW¼ and N½SE¼,

Sec. 19, SW¼NE¼ and SE¼NW¼,

Sec. 27, S½SE¼.

These pipelines will convey natural gas across 1.060 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Pauline T. Brown,

*Acting Chief, Lands Section.*

[FR Doc. 79-34395 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69275]

**Wyoming; Application**

October 28, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct two natural gas pipelines, one being 10¼ inch O.D., and the other 12¼ inch O.D. for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 98 W.,

Sec. 2, S½NE¼, S½SW¼, NE¼SW¼,

NW¼SE¼,

Sec. 10, SE¼NE¼, S½SE¼, NE¼SE¼.

T. 19 N., R. 98 W.,

Sec. 12, W½SE¼,

Sec. 24, W½E½,

Sec. 36, W½E½, SE¼SW¼.

The proposed pipelines will connect an existing Scrubber Site located in the NE¼SE¼ of Section 12, T. 19 N., R. 98 W., with an existing pipeline located in the NW¼NE¼ of Section 15, T. 18 N., R. 98 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 79-34396 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

**U.S. Geological Survey and Bureau of Land Management; Oil and Gas Information Program**

Notice is hereby given that pursuant to the regulations of 30 CFR 252.5 and 43 CFR 3300.2, copies of the Outer Continental Shelf (OCS) information indexes prepared jointly by the U.S. Geological Survey (USGS) and the Bureau of Land Management are available to the public.

A separate index has been published by the USGS for each OCS region: Alaska, Pacific, Gulf of Mexico, and Atlantic. The indexes list and describe relevant actual or proposed regional programs, plans, reports, environmental impact statements, nominations information, environmental study reports, and related lease sale information. Supplemental reading lists are also provided directing the reader to additional information on the OCS program.

Requests for the index(es) may be addressed to: Chief, RALI Program, U.S. Geological Survey, 750 National Center, Reston, Virginia 22090.

Telephone requests may be made to (703) 860-7166.

Gene A. Thorley,

*Acting Director, U.S. Geological Survey.*

Arnold E. Petty,

*Acting Associate Director, Bureau of Land Management.*

Dated: October 31, 1979.

Approved: November 2, 1979.

Daniel P. Beard,

*Acting Assistant Secretary of the Interior.*

[FR Doc. 79-34401 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-M

**Bureau of Reclamation****Contract Negotiations With the Glenn-Colusa Irrigation District; Notice of Availability of a Small Reclamation Project Loan Repayment Contract for Public Review and Comment**

The Department of the Interior, through the Bureau of Reclamation, has

[NM 38666, 38728 and 38760]

**New Mexico; applications**

October 30, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act



negotiated a contract with the Glenn-Colusa Irrigation District, Willows, California, for the repayment of a \$17 million loan pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended. The loan is being provided to help rehabilitate the district's distribution system and to replace its main pumping plant on the Sacramento River. The proposed loan will be repaid in 29 annual installments. The district's application for the loan was approved by the United States on May 2, 1978, and complies with all requirements of the Small Reclamation Projects Act, as amended.

All written correspondence concerning the proposed contract shall be made available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended. The proposed form of contract is available for public review and written comments for 30 days following the date of this notice.

For further information and copies of the proposed contract, please contact Ms. Cindy Cowden, Repayment Specialist, Division of Water and Power Resources Management, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4540.

Dated: October 30, 1979.

Clifford L. Barrett,  
*Assistant Commissioner of Reclamation.*

[FR Doc. 79-24315 Filed 11-6-79; 8:45 am]  
BILLING CODE 4310-09-M

### Contract Negotiations With the Hermiston Irrigation District; Intent To Negotiate a Contract for Repayment of Emergency Funds

The Department of the Interior, through the Bureau of Reclamation, intends to initiate negotiations with the Hermiston Irrigation District, Hermiston, Oregon, for the repayment of \$400,000 in emergency funds. The emergency funds have been provided pursuant to the Act of June 26, 1948 (62 Stat. 1052), to replace about 150 feet of the Umatilla River Feed Canal Diversion Dam which failed earlier this year due to undermining. It is necessary to accomplish this work soon because the dam is used to divert the fall and winter flows of the Umatilla River to the Cold Springs Reservoir. Cold Springs Reservoir is an off-stream storage reservoir that provides the bulk of the water supply to the Hermiston Irrigation District.

The public may observe any negotiating sessions. Advance notice of

such meetings, if any, will be furnished on request. Requests must be in writing at least 1 week prior to any meeting and must identify the contract in which the party is interested. They should be addressed to the Regional Director, Attention: code 440, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724. All written correspondence concerning the proposed contract shall be made available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft contract is available for public review. Comments on the contract will be received up to 30 days after the date of this notice.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Mr. Richard M. Rigby, Contract and Repayment Specialist, Division of Water, Power, and Lands, Attention: code 440, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724, telephone (208) 384-9503.

Dated: October 30, 1979.

Clifford L. Barrett,  
*Assistant Commissioner.*

[FR Doc. 79-34316 Filed 11-6-79; 8:45 am]  
BILLING CODE 4310-09-M

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit; Receipt of Application

Applicant: Dallas Museum of Natural History, P.O. Box 26193, Dallas, Texas 75226.

The applicant requests a permit to salvage dead specimens of endangered and threatened species for the purpose of scientific research. No animals will be killed under this permit.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4702. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before December 7, 1979. Please refer to the file

number when submitting comments.

Dated: October 25, 1979.

Donald G. Donahoo,  
*Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.*

[FR Doc. 79-34431 Filed 11-6-79; 8:45 am]  
BILLING CODE 4310-55-M

#### Endangered Species Permit; Receipt of Application

Applicant: F.M. Driscoll, Lexington Pheasantry, 219 Cowlitz Drive, Kelso, Washington 98626.

The permittee requests an amendment to two of his Endangered Species permits. The first is to amend permit PRT 2-3554 to authorize the import of two white-eared pheasants (*Crossoptilon crossoptilon*) instead of one; the second is to amend permit PRT 2-4420 to authorize the import of four Cabot's tragopan pheasants (*Tragopan caboti*) instead of three.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with these permit files are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

Interested persons may comment on this application on or before December 7, 1979 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: October 26, 1979.

Fred L. Bolwahn,  
*Acting Chief, Permit Branch Federal Wildlife Permit Office U.S. Fish and Wildlife Service.*

[FR Doc. 79-34432 Filed 11-6-79; 8:45 am]  
BILLING CODE 4310-55-M

### National Park Service

[Order No. 93]

#### Land Acquisition Officers, Appalachian National Scenic Trail; Delegation of Authority

##### Correction

In FR Doc. 79-25779 appearing at page 49023 in the issue for Tuesday, August 21, 1979, in the third column, the "Director, National Park Service" should read "Acting Director, National Park Service".

BILLING CODE 1505-01-M

[Investigation No. 337-TA-66]

**Certain Plastic-Molding Apparatus and Components Thereof; Notice of Commission Request for Public Comments Concerning Settlement Agreement**

**Recommendation of "No Violation" Issued.**

In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain plastic-molding apparatus and components thereof in the United States, the Administrative Law Judge (ALJ) recommended on October 2, 1979, that the Commission determine that there is no violation of section 337. The ALJ certified the record to the Commission for its consideration. Copies of the ALJ's recommendation may be obtained by interested persons by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161.

**Settlement Agreement Signed by Complainant and All Respondents**

The ALJ's recommendations of "no violation" follows a joint motion by all parties to terminate this investigation, which was supported by a settlement agreement signed by complainant and all respondents. The ALJ found that since no formal evidentiary record was made, there is no evidence of the unfair acts and unfair methods of competition alleged with respect to the importation and sale of certain plastic-molding apparatus and components thereof made in accordance with the claims of U.S. Letters Patent No. 4,065,246 and U.S. Letters Patent No. 3,776,991.

**Written Comments on the Public Interest Requested**

Since all parties have filed a joint motion to terminate this investigation, which is supported by the settlement agreement, and since the ALJ has recommended termination on the basis of the settlement agreement, no oral argument will be held with respect to the ALJ's recommendation. However, in light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the effect of the termination of this investigation, supported by the settlement agreement, upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the

United States, and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the Federal Register. The text of the settlement agreement follows.

**Text of the Settlement Agreement**

This agreement, effective as of September 28, 1979, by and between IP Container Corporation of Paterson, New Jersey, and Paul Marcus, referred to collectively herein as "Complainants", and Nissei America, Inc. Of Santa Fe Springs, California; Nissei Plastic Industrial Co. Ltd., of Japan; Nissei ASB Machine Co. Ltd., of Japan; Katashi Aoki Laboratory of Japan, referred to collectively as the "Nissei Companies", and their respective successors, assigns, licensees and/or heirs;

Whereas, the aforesaid parties desire to settle the differences between them which are at issue in the now pending investigation before the United States International Trade Commission, known as "In the matter of certain Plastic Molding Apparatus and Components Thereof," Investigation No. 337-TA-66, without making any admissions on the issues raised in said investigations.

Whereas, Complainants warrant and represent that IP Container Corporation has all right, title and interest in and to U.S. Patents 3,776,991 and 4,065,246 which are the patents in issue in said investigation, and that no other party has acquired or has an unexercised right to acquire any right, title, or interest in said U.S. Patents 3,776,991 or 4,065,246;

Now therefore, in consideration of the obligations recited below, the parties agree as follows:

1. To jointly file upon the execution of this Agreement, a stipulation in the United States International Trade Commission requesting termination and dismissal of the pending Investigation No. 337-TA-66, with prejudice.

2. Upon execution of this Agreement, the Nissei Companies agree to effect a payment to Complainants of a sum of money specified in the Appendix to this Agreement, provided, however, that if for any reason said Investigation No. 337-TA-66 is not terminated and dismissed as against said Nissei Companies and its past and future customers, Complainant shall refund to the Nissei Companies the amount paid hereunder, and the stipulation for termination and dismissal, and the release and covenant not to sue provided for in paragraphs 1 and 3 hereof, shall be null and void and of no binding effect upon either party.



3. Complainants hereby release and discharge the Nissei Companies and their past and future customers from all existing claims for past and future damages resulting from alleged direct, indirect, contributory and/or inducement of infringement of said U.S. Patents 3,776,991 and 4,065,246, and covenant and agree that no future actions for direct, indirect, contributory and/or inducement of infringement of said patents will be brought against the Nissei Companies and/or its past or future customers based upon:

a. the past or future manufacture, use or sale of the Nissei ASB series stretch-blow injection molding machines, or any modifications or improvements thereof; or

b. the past or future manufacture, use or sale by one or more of the Nissei Companies of any other stretch-blow injection molding machines not designated as an ASB series machine but used for manufacturing biaxially oriented plastic products from a parison and having (1) an injection station, a heating station, a stretch blow station, and a release station, (2) a rotary plate, which is also referred to as a transfer means, (3) core rods which remain at each station of the machine and do not travel with the rotary plate or transfer means to any other station, and (4) wherein the parisons travel from station to station while on a neck mold attached to said rotary plate or transfer means and do not travel with any core rods from station to station.

4. The parties agree that the only publicity piece to be released by them will be that Complainants and the Nissei Companies have settled their differences over the investigation in the United States International Trade commission involving IP Container's patents U.S. 3,776,991 and 4,065,246 and the Nissei ASB machines. Nissei shall continue to be free to import, manufacture and sell their ASB machines in the United States.

5. The parties further agree that neither party will make any comment about the aforesaid settlement which might tend to prejudice, disparage or injure the other.

6. The effective date of this Agreement is September 28, 1979. Additional information.

The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera*

treatment. Such request should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the Federal Register of May 4, 1979 (44 F.R. 27504).

By order of the Commission.

Issued: October 31, 1979.

Kenneth R. Mason,  
Secretary.

[FR Doc. 79-34460 Filed 11-6-79; 8:45 am]

BILLING CODE 7020-02-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Performance Review Board; Names of Members

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: Names of the members of the Performance Review Board.

DATE: November 7, 1979.

FOR FURTHER INFORMATION: David Johnstone, Personnel Officer, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, (202) 724-0356.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

THE MEMBERS OF THE PERFORMANCE REVIEW BOARD ARE: (1) Patricia McFate, Deputy Chairman, (2) John Whitelaw, Deputy Chairman for Management, (3) Thomas V. Litzenburg, Assistant Chairman.

Joseph D. Duffey,  
Chairman, National Endowment for the Humanities.

[FR Doc. 79-34453 Filed 11-6-79; 8:45 am]

BILLING CODE 7536-01-M

## NATIONAL SCIENCE FOUNDATION

### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits Issued Under the Antarctic Conservation Act of 1978, P.L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 632-4238.

SUPPLEMENTAL INFORMATION: On September 6, 1979, the National Science Foundation published a notice in the Federal Register, page 52057, of permit applications received. On October 9, 1979, permits were issued to the following applicants:

David F. Parmelee  
Robert E. Ricklefs  
David E. Murrish  
Donald B. Siniff  
David G. Ainley  
Arthur L. DeVries  
Charles E. Myers,

Division of Polar Programs.

[FR Doc. 79-34397 Filed 11-6-79; 8:45 am]

BILLING CODE 7556-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-10]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit 1);  
Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated September 20, 1979, the Illinois Safe Energy Alliance requested public hearings be held on the decontamination of the Dresden Nuclear Power Station, Unit 1. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and

accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland this 30th day of October, 1979.

For the Nuclear Regulatory Commission.

Harold R. Denton,  
Director, Office of Nuclear Reactor  
Regulation.

[FR Doc. 79-34401 Filed 11-6-79; 8:45 am]

BILLING CODE 7590-01-M

### Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.143, Revision 1, "Design Guidance for Radioactive Waste Management Systems, Structures, and Components Installed in Light-Water-Cooled Nuclear Power Plants," provides design guidance acceptable to the NRC staff for complying with Commission regulations with regard to seismic and quality group classification and quality assurance provisions for radioactive waste management systems, structures, and components. This guide was revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office (GPO) price. A subscription service for future guides

in specific divisions is available through the Government Printing Office.

Information on subscription service and current GPO prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 30th day of October 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,  
Director, Office of Standards Development.

[FR Doc. 79-34402 Filed 11-6-79; 8:45 am]

BILLING CODE 7590-01-M

### POSTAL RATE COMMISSION

#### Visits to Mailer Facilities

October 31, 1979.

Notice is hereby given that the Chairman of the Postal Rate Commission and members of the advisory staff visited the facilities of the RCA Record Club in Indianapolis, IN., and the Columbia Record Club in Terre Haute, IN. on October 29 and 30, 1979, respectively. A report of the visits will be on file in the Commission's Docket Room.

David F. Harris,  
Secretary.

[FR Doc. 79-34384 Filed 11-6-79; 8:45 am]

BILLING CODE 7715-01-M

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16309; File No. SR-MSRB-79-11.]

#### Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 25, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing herewith a proposed amendment to rule G-11 (hereinafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:<sup>1</sup>

<sup>1</sup> *Italics indicate new language; [brackets] indicate deletions.*

#### Rule G-11. Sales of New Issue Municipal Securities During the Underwriting Period

(a) No change.

(b) Disclosure of Capacity. Every municipal securities dealer *which is a member of a syndicate* that submits an order to [a] the syndicate or to a member of [a] the syndicate for the purchase of municipal securities held by the syndicate shall disclose at the time of submission of such order if the securities are being purchased for its dealer account, for the account of a related portfolio of such municipal securities dealer, for a municipal securities investment trust sponsored by such municipal securities dealer, or for an accumulation account established in connection with such a municipal securities investment trust. The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each order submitted for such a related portfolio, municipal securities investment trust, or accumulation account, indicating the identity of the related portfolio, municipal securities investment trust, or accumulation account, the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order.

(c) through (g) No change.

#### Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

#### Purpose of Proposed Rule Change

Under rule G-11(b) as presently in effect, every municipal securities dealer that submits an order to a syndicate or to a member of a syndicate for securities held by the syndicate must disclose whether the securities are being purchased for its dealer account, for the account of a related portfolio of such municipal securities dealer, for a municipal securities investment trust sponsored by such municipal securities dealer, or for an accumulation account established in connection with such a municipal securities investment trust (each such account, other than dealer account, is hereinafter referred to as a "related portfolio" or collectively, as "related portfolios"). A dealer which is not a member of a syndicate is therefore subject to this disclosure requirement when it submits an order for a related portfolio to a syndicate or a syndicate member. Rule G-11 provides further that the senior syndicate manager must promptly disclose to other syndicate

members, upon request, each order for a related portfolio.

The proposed rule change eliminates the requirement in the rule for a non-member dealer to make the required disclosures with respect to orders for related portfolios. The Board has decided to delete this requirement because it believes, on reconsideration, that such disclosure does not serve any useful purpose. An order placed by a non-member dealer usually receives the same treatment by a syndicate whether it is for the dealer's own account, or for a related portfolio. In this regard, the Board notes that Congress adopted section 15B(b)(2)(K) of the Securities Exchange Act of 1934 (pursuant to which rule G-11 was adopted) to address in part Congress' concerns regarding the fact that an entity may act in more than one capacity in connection with a new issue of municipal securities and that by doing so, gain unfair competitive advantages over other persons. This situation does not exist when a non-member dealer places an order for new issue securities on behalf of a related portfolio.

#### Basis Under the Act for Proposed Rule Change

The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(K) of the Act, which authorizes and directs the Board to propose and adopt rules to.

\* \* \* establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period.

#### Comments Received From Members, Participants or Others on Proposed Rule Change

On January 31, 1979, the Board issued a notice soliciting comments on the proposed rule change, as well as on another proposed change to rule G-11. Among the letters of comment received in response to that notice, two of them addressed the proposed rule change. Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank") and the Public Securities Association ("PSA") both expressed support for the proposed rule change. The PSA concurred in the Board's view that no useful purpose is served by requiring a non-member dealer to make the required disclosures with respect to purchases of new issues of municipal securities for a related portfolio.

With respect to the second draft amendment discussed in the January 31,

1979 notice, the Board has decided to defer action on it at this time, pending the Board's consideration of the results of a survey on rule G-11. The survey will be designed to elicit information regarding the impact of rule G-11 on syndicate practices and to obtain information bearing on the issues raised by the other draft amendment. The Board anticipates that the survey will be mailed to participants in November.

#### Burden on Competition

As noted above, Congress adopted section 15B(b)(2)(K) of the Act in part to address its concerns that an entity may act in more than one capacity in connection with a new issue of municipal securities and that by doing so, gain unfair competitive advantages over other participants in the new issue markets. This situation does not exist when a non-member dealer places an order for new issue securities on behalf of a related portfolio. Accordingly, to the extent that the proposed rule change distinguishes between members of a syndicate and non-member dealers, such different treatment is not inconsistent with the purposes of the Act. Further, the disclosure requirement imposed on syndicate members with respect to related portfolios is necessary and appropriate in furtherance of the purposes of the Act.

On or before December 12, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organizations consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and

should be submitted on or before November 28, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

October 31, 1979.

[FR Doc. 79-34319 Filed 11-6-79; 8:45 am]  
BILLING CODE 8010-01-M

[Rel. No. 21278; 70-5750]

#### New England Electric System; Proposed Extension of Short-Term Borrowing Authorization

November 1, 1979.

Notice is hereby given that New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01581, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment which is summarized below, for a complete statement of the proposed transactions.

By orders dated December 1, 1975, May 23, 1977 and December 18, 1978 (HCAR Nos. 19272, 20047 and 20834, respectively), NEES was authorized to issue short-term notes through December 31, 1979 in an aggregate amount not to exceed \$25,000,000 outstanding at any one time.

By post-effective amendment filed in this proceeding, it is now proposed that such borrowing authority be extended until December 31, 1980.

Although no formal commitments have been made, NEES, expects such borrowings will be effected from among the following banks:

Bank of America, North America division	\$500,000
Brown Brothers, Harriman and Company, Boston, Massachusetts	500,000
Continental Illinois National Bank and Trust Company, Chicago, Illinois	4,500,000
Chase Manhattan Bank, N.A., New York, N.Y.	4,500,000
Chemical Bank, New York, N.Y.	500,000
Citibank, N.A., New York, N.Y.	4,500,000
Irving Trust Company New York, N.Y.	4,500,000
Manufacturers Hanover Trust, New York, N.Y.	500,000
Morgan Guaranty Trust Company New York, N.Y.	4,500,000
The First National Bank of Chicago, Chicago, Illinois	500,000
	25,000,000

The proposed borrowings will be evidenced by notes payable maturing in less than one year from the date of

issuance and will provide for prior payment in whole or in part without premium or penalty. NEES will either maintain compensating balances of 10% of the line of credit and 10% of any borrowings thereunder, or, in lieu of such compensating balances, will pay fees equivalent to such compensating balance requirements. If the full amount were borrowed from the banks, the effective interest cost to NEES would be 18.75% based on a prime commercial rate of 15%. The amount that NEES may borrow from a particular bank may be increased or decreased, but at no time will the aggregate amount of short-term borrowings from all banks exceed the authorization requested.

NEES expects to make a capital contribution to its subsidiary, New England Power Company (NEP), in December 1979 in the amount of \$20,000,000. Additional capital contributions to NEP aggregating \$40,000,000 are expected to be made in 1980. These transactions will be the subject of separate filings with the Commission. The extension of NEES's authority to borrow from banks is requested in order to assure that NEES will be in a position (1) to make capital contributions to NEP; (2) to make loans to another subsidiary, New England Energy Incorporated, in furtherance of its fuel exploration and development program; and (3) to allow NEES flexibility in the timing of its next public common share issue.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 27, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20594. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date,

the application-declaration, as amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 79-34320 Filed 11-6-79; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 16319; SR-NESDTC-79-2]

#### New England Securities Depository Trust Co.; Order Approving Proposed Rule Change

November 1, 1979.

On May 18, 1979, the New England Securities Depository Trust Company, P. O. Box 6100, Boston, Mass. 02209, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which establishes, and sets fees for, a Collateral Loan Program which allows a participant to collateralize loans by pledging securities on deposit with NESDTC. On October 4, 1979, NESDTC filed an amendment clarifying a provision of the Collateral Loan Agreement which sets forth the liability of a pledgee bank to NESDTC.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34-15929, June 15, 1979) and by publication in the Federal Register (44 FR 36531, June 22, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person are available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the

rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 79-34318 Filed 11-6-79; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF THE TREASURY

[Public Debt Series—No. 27-79]

### Bonds 2004-2009, Interest Rate

November 2, 1979.

The Secretary of the Treasury announced on November 1, 1979, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 27-79, dated October 25, 1979, will be 10% percent. Interest on the bonds will be payable at the rate of 10% percent per annum.

### Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,  
Fiscal Assistant Secretary.

[FR Doc. 79-34428 Filed 11-6-79; 8:45 am]  
BILLING CODE 4810-40-M

## INTERSTATE COMMERCE COMMISSION

[Notice No. 188]

### Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized

representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property Notice No. 188

MC 263 (Sub-229TA), filed September 7, 1979. Applicant: GARRETT FREIGHTLINERS, INC. 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as above). *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) Between Salt Lake City, UT and Minneapolis, MN, serving the intermediate point of Casper, WY and points in the Casper, WY commercial zone: (1) From Salt Lake City over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction WY Hwy 220, then over WY Hwy 220 to junction Interstate Hwy 25, then over Interstate Hwy 25 to junction U.S. Hwy 18, then over U.S. Hwy 18 to junction SD Hwy 79, then over SD Hwy 79 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MN Hwy 15, then over MN Hwy 15 to junction MN Hwy 60 then over MN Hwy 60 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Minneapolis, and return over the same route. (2) From Salt Lake City to junction Interstate Hwy 90 and MN Hwy 15 as described in (1) above, then over Interstate Hwy 90 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, and return over

the same route. (B) Between Denver, CO and Billings, MT, serving the intermediate point of Casper, WY and points in the Casper, WY commercial zone: From Denver over Interstate Hwy 25 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Billings, and return over the same route, for 180 days, in common carriage over regular routes. Carrier intends to tack and interline authority. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 228 supporting shippers. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Drive, Boise, ID 83702.

MC 10343 (Sub-38TA), filed September 6, 1979. Applicant: CHURCHILL TRUCK LINES, INC., P.O. Box 250, U.S. Highway 36 West, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. *Common, regular, general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk or those requiring special equipment), (1) from Des Moines, IA to Minneapolis, MN, serving no intermediate points. From Des Moines over I-Hwy 35 to Minneapolis. (2) From Cedar Rapids, IA to Minneapolis, MN, serving the intermediate point of Waterloo, IA. From Cedar Rapids over U.S. Hwy 218 to junction I-Hwy 35, then over I-Hwy 35 to Minneapolis. (3) From Rock Island, IL to Minneapolis, MN, serving the intermediate points of Davenport and Dubuque, IA. From Rock Island over U.S. Hwy 67 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Minneapolis. Supporting shipper(s): There are 109 attached statements of supporting shippers which may be viewed at Commission offices in Washington, D.C. or in the field office at Kansas City, MO. Send protests to: Vernon V. Coble, DS, ICC 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

Note.—Applicant proposes to serve the commercial zones of all of the above-named points in Routes 1 through 3. Applicant proposes to tack its existing regular route authority with the regular routes sought in this application at Des Moines, IA, Cedar Rapids, IA, Waterloo, IA, and Rock Island, IL, for 180 days.

MC 16903 (Sub-75TA), filed August 21, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Building and insulating materials and accessories and supplies used in the installation thereof*, between the

facilities of Masonite Corporation, Wysox Township, Bradford County, PA on the one hand and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV and the District of Columbia for 180 days. Supporting shipper: Masonite Corporation, P.O. Box 311, Towanda, PA 18848. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 43652 (Sub-3TA), filed July 26, 1979. Applicant: ECKDAHL WAREHOUSE CO., 501 South Anderson Street, Los Angeles, CA 90033. Representative: Michael J. Stecher, Siver, Rosen, Fischer & Stecher, 256 Montgomery Street, San Francisco, CA 94104. *Contract: irregular: Such merchandise as is dealt in by wholesale and retail chain department and food stores and equipment, materials and supplies used in conducting such business*, from San Francisco, Oakland, San Jose, and Roseville, CA and the facilities of Freight Distributor at Los Angeles, CA to points in CA, AZ, and NV under a continuing contract with K Mart, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): K Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48064. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 71593 (Sub-47TA), filed September 13, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers having a subsequent movement by water, from points in IA, IL, MI, OH and WI to ports at Baltimore, MD, Miami, FL, New Orleans, LA, and those in the New York, NY commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. D. Marshall International, Inc., 7440 North Long Avenue, Skokie, IL 60077. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 71652 (Sub-34TA), filed August 24, 1979. Applicant: BYRNE TRUCKING, INC., 4609 Crater Lake Highway (P.O. Box 280), Medford, Oregon 97501. Representative: William d. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. (1) *Buildings*, complete,



knocked down, or in sections, (2) *Building section and Building panels*, (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion of such commodities, originating at the facilities of Armco Inc., Hanford, CA, to points in WA, OR, ID, NV, UT, AZ, CO, MT, WY, ND, SD, NE, KS, OK, NM, and TX, for 180 days. Supporting shipper(s): Armco Inc., 703 Curtis Street, Middletown, OH 45043. Send protests to: A. E. Odoms, DS, ICC, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 72423 (Sub-8TA), filed September 5, 1979. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut Street, Sterling, CO 80751. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Sterling, CO and Ogallala, NE: from Sterling, CO over U.S. Hwy 6 to Holyoke, CO; CO Hwy 176 and NE Hwy 23 to Grant, NE; and NE Hwy 61 to Ogallala, NE and return over same route serving all intermediate points and all off-route points within one mile of the route, and for permission to interline with all other carriers at Sterling, CO; Holyoke, CO; and Ogallala, NE, and for permission to tack this authority with applicant's existing authority docketed as MC-72423 (R-200) and its corresponding MC-72423 (Sub 6TA) and with any permanent authority that may be granted in its corresponding MC-72423 (Sub F), for 180 days. An underlying ETA seeks authority up to 90 days. Supporting shipper(s): There are 32 supporting shippers. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 80653 (Sub-25TA), filed July 9, 1979. Applicant: DAVID GRAHAM COMPANY, P. O. Box 254, Old Route 13, Levittown, PA 19059. Representative: Gerald S. Gomer (same as applicant). *Automobile parts, other than complete vehicles, and empty containers on their own wheels or on flat bed equipment*, between Allentown, Macungie and Stockertown, PA on the one hand, and New York City, NY; Port Newark, Port Elizabeth, Camden, NJ, Philadelphia, PA, Wilmington, DE and Baltimore, MD on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mack Trucks, Inc., P. O. Box 1792, Allentown, PA 18105. Send

protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Phila., PA 19106.

MC 82063 (Sub-112TA), filed August 1, 1979. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: W. E. Klipsch (same as above). *Liquid Chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemical U.S.A., at Plaquemine, LA, to all points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical U.S.A., Plaquemine, LA 70764. Send protests to: P. E. Binder, TS, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 103993 (Sub-1001TA), filed September 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Wallboard and materials used in the installation of wallboard*, from Grand Rapids, MI to points in IL, IN and OH for 180 days. Supporting Shipper: Grand Rapids Gypsum Co., P. O. Box 2475, Grand Rapids, MI 49501. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107403 (Sub-1263TA), filed August 31, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid paint, in bulk, in tank vehicles* from East Point, GA to Tyler, TX; Hot Springs, AR; DE; OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Phila., PA 19106.

MC 107403 (Sub-1264TA), filed August 29, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Magnesite, in bulk, in dry bulk trailers*, from Manistee, MI to points in AK, AL, FL, GA, IL, IN, KY, LA, MD, MS, MO, NY, NC, OH, PA, SC, TN, VT, VA, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Martin Marietta Chemicals, Executive Plaza II, Hunt Valley, MD 21030. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Phila., PA 19106.

MC 108053 (Sub-165TA), filed August 27, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., 1520 West 23rd Street, Fremont, NE 68025. Representative: Arnold L. Burke, 180

North LaSalle Street, Chicago, IL 60601. *Fresh meats and packinghouse products* from the facilities of Swift & Company at Sioux City, IA to points in AZ, WA, and OR for 180 days. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 110563 (Sub-303TA), filed July 18, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sectional A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Company at or near Sioux City, IA to points in NJ and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 110563 (Sub-304TA), filed June 21, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Victor J. Tambascia, P.O. Box 747, Sidney, OH 45365. *Food and food products and food ingredients, except in bulk in tank vehicles*, from the facilities of Archer Daniels Midland Co. at Decatur, IL to pts. in AL, FL, GA, NC, and SC. Restriction: Traffic restricted to origin and destined to the above destination states, for 180 days. Supporting shipper(s): Archer Daniels Midland Co., P.O. Box 1470, Decatur, IL 62525. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7 St., Rm. 620, Phila., PA 19106.

MC 113843 (Sub-272TA), filed August 2, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Shiels (same address as applicant). *Clothing, clothing accessories, display fixtures, advertising materials* from points in MA to points in IL, IN, KS, MI, MN, MO, and OH. Restricted to freight originating at facilities and division of Melville Corporation. For 180 days. Supporting shipper(s): Foxmoor Casuals, Division of Melville Corporation, 393 Manley St., West Bridgewater, MA. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 115093 (Sub-20TA), filed July 24, 1979. Applicant: MERCURY MOTOR

EXPRESS, INC., 2511 North Grady Ave., P.O. Box 23406, Tampa, FL 22607. Representative: Larry N. Kennedy (same address as applicant). *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, restricted to the transportation of shipments having prior or subsequent movement by water (1) between Savannah, GA and its commercial zone, on the one hand, and, on the other, all points in GA, SC, AL, and TN; (2) between Charleston, SC and its commercial zone, on the one hand, and, on the other, all points in GA, SC, and AL; (3) between Jacksonville, FL and its commercial zone, on the one hand, and, on the other, all points in GA, SC, AL, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donna M. Jones, T/A, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 115113 (Sub-35TA), filed July 9, 1979. Applicant: IOWA PACKERS XPRESS, INC., Box 231, 920 32nd Avenue West, Spencer, IA 51301. Representative: Bill Husby (same address as applicant). *Meat, meat product, meat by-products and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in descriptions in motor carrier certificates 61 M.C.C. 209 and 766 from the facilities of Iowa Beef Processors, Inc. at or near Luverne, MN to points in New York City, NY and Boston, MA and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 115523 (Sub-192TA), filed July 3, 1979. Applicant: CLARK TANK LINES CO., 1450 N. Beck Street, P.O. Box 1895, Salt Lake City, UT 84110. Representative: William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110. *Soda ash*, from Little America, WY to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, and WA, for 180 days. Applicant proposes to interline at Little America, WY. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-193TA), filed June 14, 1979. Applicant: CLARK TANK LINES CO., 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Sodium tripolyphosphate*, in bulk, from Westvaco, WY, to Salt Lake City, UT, for 180 days. Corresponding ETA seeks authority for 90 days. Supporting shipper(s): Chemopharm Laboratories, 503 North 400 West, Salt Lake City, UT 84103. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-194TA), filed June 29, 1979. Applicant: CLARK TANK LINES CO., 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Petroleum products*, in bulk, from Synclair, WY to Salt Lake City, UT and points within 10 miles thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Concrete Products Company, 41 West Central Avenue, Murray, UT 84107. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-196TA), filed August 14, 1979. Applicant: CLARK TANK LINES CO., 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Petroleum crude oil*, in bulk, from Trap Springs, Nye County, NV to Gary Western Refinery near Fruita, CO, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 116273 (Sub-246TA), filed August 30, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William Lavery (same address as applicant). *Isophthalic Acid in bulk, in tank vehicles*, from the facilities of Amoco Chemicals Corp. near Joliet, IL to Ferndale, MI, Valley Park, MO, and Bellevue, OH for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Amoco Chemicals Corporation, 200 E. Randolph St., Chicago, IL 60601. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 118263 (Sub-95TA), filed August 28, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankford, KY 40601. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk)* between the facilities of Lauridsen

Foods, Inc. at or near Britt, IA, and the facilities of Armour and Company at or near Mason City, IA, on the one hand, and, on the other, those points in the United States in and east of AR, IA, LA, MN, MO, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Lauridsen Foods, Inc. at or near Britt, IA, and/or the facilities of Armour and Company at or near Mason City, IA. Supporting shipper: Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204, an underlying ETA seeks 90 days authority.

MC 119493 (Sub-316TA), filed September 11, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). *Furniture parts and materials and supplies used in the manufacturing and distribution thereof (except in bulk)*, between Simpsonville, KY and its commercial zone, on the one hand, and, on the other, points in MS for 180 days. Restricted to traffic originating at or destined to Leggett & Platt Incorporated. Supporting shipper(s): Leggett & Platt Incorporated, P.O. Box 757, Carthage, MO 64836. Send protests to: Vernon V. Coble, District Supervisor, 600 Federal Building, 911 Walnut St., Kansas City, MO 64106.

MC 119493 (Sub-317TA), filed September 6, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, P.O. Box 1196, Joplin, MO 64801. *Farm equipment and materials and supplies used in the manufacture and distribution thereof (except in bulk)*, between Carthage, MO and its commercial zone on the one hand and points in AR, IA, IL, IN, KY, LA, OK, and TX on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Orbit Products Company, P.O. Box 115, Carthage, MO 64801. Send protests to: Vernon V. Coble, DDS, ICC, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 119493 (Sub-318TA), filed July 25, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). *Flour (except in bulk)*, from Topeka, KS to MO and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seaboard Allied, P.O. Box 19148, Kansas City, MO 64141. Send protests to: John V. Barry, D/S, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 119632 (Sub-110TA), filed July 25, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). *Petroleum and petroleum products, vehicle body sealer and sound deadening compound (except commodities in bulk)*, from the facilities of Quaker State Oil Refining Corporation at Buffalo and North Tonawanda, NY, Emlenton, Farmers Valley, New Kensington and North Warren, PA, Congo and St. Marys, WV to pts in the states of IL, IN, KY, MI, OH, NY, St. Louis County and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 119702 (Sub-71TA), filed August 8, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main St., P.O. Box 486, Edwardsville, IL 62025. Representative: Carl R. Wetzel (same address as applicant). *Petroleum Products as described in Appendix XIII, in bulk, in tank vehicles*, from Pana, IL to St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bi-Petro Refining Co., Inc., P.O. Box 249, Pana, IL 62557. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 119702 (Sub-72TA), filed August 17, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main St. P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 666 11th St., NW, Washington, DC 20001. *Liquid roofing asphalt, in bulk, in tank vehicles*, from St. Louis, MO to Memphis, TN for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Trumbull Asphalt, 115 Brown Rd., Hazelwood, MO 63024. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 123613 (Sub-18TA), filed August 15, 1979. Applicant: CLAREMONT MOTOR LINES, INC., 2800 North Tryon St., Charlotte, NC 28206. Representative: D. R. Beeler, 9041 Executive Park Dr, Suite 110, Bldg. 100, Knoxville, TN 37919. *Foodstuffs* from Chicago, IL and its commercial zone to points in AL, AR, FL, GA, LA, MS, NC, NM, OK, SC, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the office listed below or Headquarters. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 123993 (Sub-57TA), filed September 10, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). *Bags, bagging, steel cotton bale ties, burlap and twine* between New Orleans, LA on the one hand, and on the other, points in MS, TX, OK, AR, NE, TN, MO, KS, IA, IL, and IN, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): The Hardin Bag & Burlap Co., Inc., P.O. Box 50459, New Orleans, LA 70150. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 124673 (Sub-41TA), filed August 23, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail Johnson, P.O. Box 2167, Amarillo, TX 79105. *Animal, fish and poultry feed ingredients in bulk* from Kansas City, MO to Flagstaff, AZ for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Martha Powell, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 124673 (Sub-42TA), filed August 30, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail Johnson, P.O. Box 2167, Amarillo, TX 79105. *Meat and bone meal* from Friona and Plainview, TX to points in AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): MBPXL, P.O. Box 2519, Wichita, KS 67201. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 124673 (Sub-43TA), filed August 1, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail Johnson, (same address as applicant). *Animal feed ingredients*, from Lubbock, TX, to IL, IN, KY, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Progressive Grain Processing Corp., 711 E. 46th St., Lubbock, TX. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 125023 (Sub-80TA), filed September 4, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same address as applicant). *Foodstuffs, in containers*, from facilities of Vlastic Food, Inc., Millsboro, DE to pts. in CT, MA, MD, NY, PA, and WV, for 180 days.

An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlastic Food, Inc., 33200 W. 14th Mile Rd., W. Bloomfield, MI 48033. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125533 (Sub-42TA), filed July 12, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. *Bricks* from Caledonia and Morral, OH to points in IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marion Brick Co., P.O. Box 548, Marion, OH 44302. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125533 (Sub-43TA), filed July 20, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312. Representative: Joseph D. Morris (same address as applicant). *Bricks* from Caledonia and Morral, OH to points in MI and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marion Brick Co., P.O. Box 548, Marion, OH 44302. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 126473 (Sub-42TA), filed August 23, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, 1505 E. Main St., Ottumwa, IA 52501. *Petroleum products, in bulk, in tank vehicles, and alcohol, in bulk, in tank vehicles used in the production of gasohol*, between points in IA, IL, MN, MO, NE, and WI for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): There are 8 shippers. Their statements may be examined at the office listed below or at the office in Washington D.C. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg. 210 Walnut, Des Moines, IA 50309.

MC 126853 (Sub-8TA), filed August 30, 1979. Applicant: PRINCL TRANSFER LINES, INC., Mishicot, WI 54228. Representative: Frank Coyne, 25 W. Main St., Madison, WI 53703. *Hot roofing asphalt and tars, in bulk, in tank vehicles*, from Hammond, IN to points in WI East of US Hwy. 51, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Industrial Fuel & Asphalt Co., 4240 White Oak Ave., Hammond, IN 46320. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 126973 (Sub-5TA), filed September 14, 1979. Applicant: CLEMENT BRESINA, Route 1, Box 69, Chippewa Falls, WI 54729. Representative: James T. Flescher, 1745 University Avenue, St.



Paul, MN 55104. *Feed and feed ingredients, in bulk*, from the facilities of Cargill, Inc., in the Minneapolis-St. Paul, MN Commercial zone to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gargill, Inc., General Traffic Manager, Dept. 17, P. O. Box 9300, Minneapolis, MN 55440. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 133852 (Sub-6TA), filed July 26, 1979. Applicant: DUNLOP TRANSPORT LIMITED, 21 Highway, Box 359, Petrolia, Ontario, Canada NON 1R0. Representative: Robert D. Schuler, 100 West Long Lane Road, Suite 102, Bloomfield Hills, MI 48013. *Contract Carrier; irregular routes; built-up roofing and water proofing products*, in rolls and sheets; from ports of entry on the International Boundary line between the United States and Canada in MI and NY to points in MI, OH and NY, restricted to shipments destined to points in said states, under a continuing contract with Globe Asphalt Products Limited of Petrolia, Ontario. For 180 days. Supporting shipper(s): Globe Asphalt Products Limited, 380 Tank Street, P.O. Box 190, Petrolia, Ontario, Canada NON 1R0. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 134453 (Sub-15TA), filed September 13, 1979. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract carrier; regular routes: (1) Aluminum extrusions and (2) Scrap aluminum and aluminum billets*, (1) from Yankton, SD, to points in AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, TN, TX, UT, WA, WI, and WY; and (2) from points in states named in (1) above to Yankton, SD, for the account of Alumax Extrusions, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alumax Extrusions, Inc., General Manager, P.O. Box 681, Yankton, SD 57078. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 134783 (Sub-57TA), filed August 29, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St. Denver, CO 80203. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the

report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk) from the facilities used by John Morrell & Co., at or near Shreveport, LA to points in AL, FL, MS, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134783 (Sub-58TA), filed August 24, 1979. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, 940 East 66th St., Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St. Denver, CO 80203. (1) *Animal feed, feed ingredients, additives and supplements* (except commodities in bulk), and (2) *materials and supplies used in the manufacture, sale and distribution of the commodities named in (1) above*, from the facilities of Kal Kan Foods, at or near Columbus, OH to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kal Kan Foods, Inc., 3386 East 44th St., Vernon, CA 90058. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135873 (Sub-11TA), filed August 13, 1979. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract carrier; irregular routes for 180 days*. Such commodities as are dealt in or used by manufacturers and distributors of printed matter (except commodities in bulk), between Waseca, MN, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: Restricted to traffic moving under continuing contract(s) with Brown Printing, Inc., of Waseca, MN. Supporting shipper(s): Brown Printing, Inc., Highway 14 West, Waseca, MN 56093. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 136482 (Sub-8TA), filed July 30, 1979. Applicant: INDUSTRIAL ASPHALT TRANSPORT, INC. P.O. Box 5560, Statesville, NC 28677. Representative: Bill R. Davis, Suite 101-Emerson Center, 2814 new Spring Rd. Atlanta, GA 30339. *Plywood and lumber* between the plantsite of Hoover Universal Wood Preserving Div. of Hoover Universal, Inc. in Caroline County, VA on the one hand, and, on the other, points in GA, NC, SC, and TN for 180 days. An underlying ETA seeks 90

days of authority. Supporting shipper(s): Hoover Universal Wood Preserving Div. of Hoover Universal, Inc., P.O. Box 746, Thomson, GA 30824. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 136553 (Sub-86TA), filed August 29, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th Street, Dubuque, IA 5200. Representative: James H. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Salt, in bulk*, from Chicago, IL and points in its commercial zone to points in IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Company, 1414 Rockefeller Bldg., 614 Superior Ave., Cleveland, OH 44113. Send protests to: Herbert W. Allen, DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 136713 (Sub-16TA), filed September 12, 1979. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road, NE, Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2A, Grand Rapids, MI 49503. *Gypsum and gypsum products*; from the plantsite of Grand Rapids Gypsum Co., at or near Grand Rapids, MI to points in OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grand Rapids Gypsum Co., P.O. Box 2475, Grand Rapids, MI 49503. Send protests to: C.R. Flemming, D/S, I.C.C., Room 201 Corr Building, 300 East Michigan Avenue, Lansing MI 48933.

MC 114273 (Sub-635TA), filed July 16, 1979, and published in the Federal Register issue of September 26, 1979, and republished as corrected this issue. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as above). *Flat glass* from the facilities of Fourco Glass Co. at Clarksburg, WV & Fourco Glass Co., float plant at or near Flemington, WV, to points in IA, NE, MN, MO, KS and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: AFG Industries, Inc., P.O. Box 929 Kingport, TN 37622. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309. The purpose of this republication is to include "MO" as a destination.

MC 147712 (Sub 3TA), filed July 5, 1979, and published in the Federal Register issue of September 17, 1979, as MC 142686 (Sub-23TA) and republished as corrected this issue. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). *Alcoholic*, from Melville, MI, Clermont, KY, Lawrenceburg, IN and

Louisville, KY to Los Angeles County, CA, for 180 days. Supporting shipper: Drummon Distributing Company, 1715 South Anderson Avenue, Compton, CA 90220. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053. The purpose of this republication is to correctly show the applicant's request for common authority in lieu of contract authority and to show the correct docket number assigned.

#### Notice No. 189

MC 138313 (Sub-58TA), filed September 13, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Railroad ties* from Chester, MT to OR, WA, ID and Cheyenne, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dave Lees, 4846 SW Scholls Ferry Rd., Portland, OR 97225. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138313 (Sub-59TA), filed September 6, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Railroad ties* from Cut Bank, MT to OR, WA, ID and Cheyenne, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dave Lees, 4846 S.W. Scholls Ferry Rd., Portland, OR 97225. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138313 (Sub-60TA), filed August 27, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Bentonite* from Colony, WY, to Broadman, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frontier Construction Company, 7949 SW Cirrus Drive, Bldg. 23, Beaverton, OR 97005. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 139763 (Sub-4TA), filed July 25, 1979. Applicant: OAK HARBOR FREIGHT LINES, INC., 6350 South 143rd Street, Seattle, WA 98168. Representative: John G. McLaughlin, Suite 1440, 200 S.W. Market Street, Portland, OR 97201. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or*

*weight require the use of special equipment*, between Portland, OR and its commercial zone and Seattle, WA and its commercial zone, serving Olympia, WA and its commercial zone, Tacoma, WA and its commercial zone and all other intermediate points north of Olympia, WA: From Portland, OR over IH-5 to Seattle, WA and return over the same route. Applicant requests authority to tack the authority requested to its authority in Docket No. MC 139763, and subs thereof, and to interline at Portland, OR, and Olympia, Tacoma and Seattle, WA, and their respective commercial zones, for 180 days. Supporting shipper(s): There are approximately 135 statements of support attached to this application which may be examined at the ICC in Washington, D.C., or copies thereof at the field office named below. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 139843 (Sub-7TA), filed August 27, 1979. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. *Clay, ground, floor sweeping compounds and absorbents* in truckload lost (except in bulk), from facilities of Oil Dri Corporation of America, at or near Ochlocknee, GA to all points in AR, LA and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 139923 (Sub-62TA), filed September 7, 1979. Applicant: MILLER TRUCKING CO, INC., P.O. Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Empty propane tanks*, from Bedford IN and points in its commercial zone, to Stroud, OK and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Intercontinental Industries, 414 W. Main Street, Stroud, OK 74079. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140023 (Sub-8TA), filed September 7, 1979. Applicant: COLUMBIA TRANSIT CORPORATION, 404 Walnut Street, Waldo, AR 71770. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Wood residuals, consisting of wood chips, sawdust, bark and shavings*, from Lafayette County, AR to McCurtain County, OK, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s):

Georgia-Pacific Corporation, P.O. Box 520, Crossett, AR 71635. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 141033 (Sub-87TA), filed September 4, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: James I. Mendenhall same address as applicant. *Insecticides and pesticides (except in bulk)*, from the facilities of Texize Chemicals Division of Morton-Norwich Products, Inc., at Greenville and Mauldin, SC; Palestino, TX; Piscataway, NJ; and Kankakee, IL, and from the facilities of Diamond Shamrock Corp. at Clarksville, NJ to points in the U.S., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Texize Chemicals Company, P.O. Box 368, Greenville, SC 29602. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141402 (Sub-38TA), filed June 20, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: Chemicals and goods and packaging used in the manufacture thereof* between Ludington, MI on the one hand, and, on the other, various points in WI, IA, MO, IL, IN, OH, WV, KY, PA and MI for 180 days under a contract or continuing contracts with Dow Chemical U.S.A. Supporting shipper: Dow Chemical U.S.A.—Central Div., South Madison St., Ludington, MI 49431. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 141402 (Sub-39TA), filed July 17, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: Chemicals and goods and packaging used in the manufacture thereof*, between Ludington, MI on the one hand, and on the other, various points in WI, IA, MO, IL, IN, OH, WV, KY, PA and MI for 180 days under a contract or continuing contracts with Dow Chemical U.S.A. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical, South Madison St., Ludington, MI 49431. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 142603 (Sub-16TA), filed August 31, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, Massachusetts 01101. Representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580. *Contract carrier, irregular routes: Liquid cleaning compounds (in containers)* from Detroit, MI to Indianapolis, IN; Louisville, Lexington & Bowling Green, KY; Akron, Cincinnati, Columbus and Dayton (and its commercial zone), OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Patterson Laboratories, Inc., 11930 Pleasant Drive, Detroit, MI 48217. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 142672 (Sub-84TA), filed August 22, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Foodstuffs* (not frozen), (1) from facilities of Vlasic Foods, Inc., at or near Millsboro, DE, to points in CT, MA, NJ, NY and PA; and (2) from facilities of Vlasic Foods, Inc., at or near Greenville, MS, to points in CO, GA, OK, TN and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14 Mile Road, West Bloomfield, MI 48033. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143853 (Sub-10TA), filed June 20, 1979. Applicant: S.M.E. EXPRESS, INC., 101 East Washington Street, Upland, IN 46989. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: Such commodities as are dealt in or used by cosmetics manufacturers (except commodities in bulk)*, from Newark, DE to Butler, Erie, Fayette City, IN; New Stanton and Pittsburgh, PA; Charleston, Huntington and Parkersburg, WV for 180 days. Restricted to a contract or continuing contracts with Avon Products, Inc. Supporting shipper: Avon Products, Inc., 2100 Ogletown Road, Newark, DE 19711. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 144483 (Sub-2TA), filed September 7, 1979. Applicant: MAHER, INC., RR 14, Box 330, West Terre Haute, IN 47885. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: Liquified petroleum gas*, from Tuscola, IL to Lebanon and Noblesville, IN under

a contract or continuing contracts with Pyrofax Gas Corp., Houston TX, for 180 days. Supporting shipper: Pyrofax Gas Corp., PO Box 2521, Houston, TX 77001. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 144503 (Sub-21TA), filed August 9, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30050. Representative: Seabrook Blanching Corp., P.O. Box 149, Sylvester, GA 31791. (1) *Peanuts and peanut products*; and (2) *exempt peanuts* when moving in mixed loads with the named commodities in (1) from the facilities of Seabrook Blanching Corp. at or near Sylvester, GA to points in MN, NJ, PA, WI, IL, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seabrook Blanching Corp., P.O. Box 149, Sylvester, GA 31791. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W.

MC 144503 (Sub-23TA), filed August 30, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Pickles and Pickle Products and Sauerkraut in brine and pails requiring protective service*, from Chicago to points in GA, FL, NC, SC, AL, KY, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schwartz Pickle Company, 160 North Loomos Street, Chicago, IL 60607. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 144622 (Sub-98TA), filed November 15, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phil Glenn, P.O. Box 9343, Little Rock, AR 72219. *Foodstuffs, rubber and plastic articles* from Columbus, Ohio to points in Arkansas, Louisiana, Texas and Oklahoma for 180 days. Restricted: The operations above are restricted to traffic originating at the facilities of Ross Laboratories (a division of Abbott Laboratories). An underlying ETA seeks 90 days authority.

MC 144652 (Sub-3TA), filed August 28, 1979. Applicant: SATELLITE TRANSPORT, INC., P.O. Box 207, Flora, IN 46929. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. *Feed and feed ingredients, animal health aids, and sanitation products (except liquid bulk commodities in tank vehicles)*, (1) between points in IN on the one hand and, on the other, points in

IL, MI, OH, KY and WI and (2) from Portland, In to points in MO and IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Five (5) supporting shippers. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 144682 (Sub-29TA), filed August 2, 1979. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. (1) *Cleaning, scouring, or washing compounds, soap, or household softeners (except commodities in bulk)*; (2) *Foodstuffs (except commodities in bulk)*, from the facilities of The Procter & Gamble Distributing Company located in Dallas, TX to points in CO for 180 days. An underlying ETA for 90 days filed. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

MC 145152 (Sub-109TA), filed August 14, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Corrugated cartons, epoxy adhesives, steel drums, steel pails, caps and closures and porcelain or brick grinding balls*, between points in the U.S. (except AK and HI) restricted to transportation of traffic of C. L. Smith Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. L. Smith Company, 1311 South 39th Street, St. Louis, MO 63110. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145152 (Sub-107TA), filed August 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Foodstuffs* from Humboldt, TN to points in the U.S. (except AK and HI), restricted to transportation of traffic originating at facilities of J. Hungerford Smith Company, at or near Humboldt, TN, for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): J. Hungerford Smith Co., Inc., 1905 Coffee Road, Modesto, CA 95355. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145152 (Sub-108TA), filed August 14, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box

159, Rogers, AR 72756. *Glass containers and accessories therefor*, between Alton, IL and points in AR, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145152 (Sub-110TA), filed August 16, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Canned and dry dog and cat food and inedible meats, meat products and meat by-products*, between facilities of or used by Kal-Kan, Inc., and points in the U.S. (except AK and HI) for 180 days. Supporting shipper(s): Kal-Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145152 (Sub-111TA), filed August 29, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Insulated copper wire and cable* from the facilities of Phalo Corporation at or near Shrewsbury, MA, to points in CA, CO, IL, NV, TX and UT, for 180 days. Supporting shipper(s): Phalo Corporation, 530 Boston Turnpike, Shrewsbury, MA 01545. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145152 (Sub-112TA), filed August 30, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Frozen foodstuffs* from facilities of Van De Kamps, Inc., Division of General Host Corporation, at or near Santa Fe Springs, CA, to points in AR, KS, LA, OK and TX, for 180 days. Supporting shipper(s): Van De Kamp, Inc., Division of General Host Corporation, 13100 Arctic Circle Drive, Santa Fe Springs, CA 90870. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 145373 (Sub-2TA), filed August 30, 1979. Applicant: LAGRANGE TRANSPORTERS, INC., 9124 W. Ogden Avenue, Brookfield, IL 60513. Representative: Robert Gill, 29 S. LaSalle Street, Suite 740, Chicago, IL 60603. *Canned goods*, between the facilities of Campbell Soup Co. at or near Chicago, IL and points in WI for 180 days. Supporting shipper(s): Campbell Soup Company, 2550 W. 35th Street Chicago, IL 60632. Send protests

to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145433 (Sub-2TA), filed August 2, 1979. Applicant: COLORADO STEEL & WIRE TRANSPORTATION CO., INC., Route 1, Box 161 C, Eaton, CO 80615. Representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO 80203. *Contract carrier: irregular routes: (1) Steel fence posts, rebars, barbed and baling wire, angles, smooth bars, T-bar stock, fence, nails and welded fabric* from the facilities of Colorado Steel and Wire Co. at or near Loveland, CO to points in IN and MO and (2) materials used in the manufacture of the commodities named in (1) above in reverse direction, for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Colorado Steel and Wire Co., P.O. Box 699, Loveland, CO 80537. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 145743 (Sub-8TA), filed September 7, 1979. Applicant: T.F.S., INC., P.O. Box 126, RR 2, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 S. 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Farmland Foods, Inc. at or near Carroll, Cherokee, Denison, Des Moines, Fort Dodge, Iowa Falls and Sioux City, IA; and Crete, Lincoln and Omaha, NE to points in the states of AZ, CO, ID, NM, NV, MT, OR, WA, CA, WY, UT, NE, IN, MI, OH, PA and NY for 180 days. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145952 (Sub-2), filed March 28, 1979. Applicant: R & E TRANSPORTATION CO., INC., 1614 English Knoll, Birmingham, AL 35235. Representative: Robert C. Thrasher (same address as applicant). *Contract, irregular: Pipe, valves, fittings and accessories therewith, including the materials and supplies used in the manufacture of those commodities*, between the facility of Slocomb Plastic Pipe and Products Co., Inc. at Slocomb, AL, on the one hand, and, on the other, points in AR, CA, CO, CT, DE, IA, KS, ME, MA, MN, NE, NH, NJ, NM, NY, OK, RI, TX, VT, WI. Supporting shipper(s): Slocomb Plastic Pipe & Products, Inc., P.O. Drawer J. Slocomb, AL 36375. Send protests to: Mabel E. Holston, T/A, ICC,

Room 1616, 2121 Building, Birmingham, AL 35203.

MC 146293 (Sub-32TA), filed August 13, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, Lawrenceville, GA 30245. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Atlanta, GA 30328. *Electrical transformers, parts for fluorescent lighting fixtures* (except commodities in bulk), from Mendenhall, MS and Blytheville, AR to Bristol, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Lighting, Route 13, Beaver Road, Bristol, PA. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree Street, N.W., Atlanta, GA 30309.

MC 147343 (Sub-3TA), filed August 20, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). *Electronic data processing machines and materials used in the manufacture of electronic data processing machines*, between Westbrook, ME, Westboro, MA, Los Angeles and San Francisco, CA, Chicago, IL, Evansville, IN, New York, NY, Clayton, NC and Austin, TX for 180 days. Supporting shipper: Data General Corp., 80 Eisenhower Drive, Westbrook, ME. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 146402 (Sub-7TA), filed August 31, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., a Tennessee corporation, P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, P.O. Box 968, Jackson, TN 38301. *(1) Plastic articles, photo albums, page protectors, and articles containing plastic, and (2) equipment, materials, supplies, and displays used or useful in the manufacture and distribution of the commodities in (1) above, (except in bulk in tank vehicles)*, between the facilities of Kleer-Vu Industries, Inc. at Brownsville, TN and points in the United States (Except Alaska and Hawaii), for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Kleer-Vu Industries, Inc., P.O. Box 449, Brownsville, TN. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 146802 (Sub-4TA), filed August 27, 1979. Applicant: C.E.D. TRANSPORTATION INC., P.O. Box 8598, Baltimore, MD 21234. Representative: Thomas N. Willess, 1000 16th St., N.W., Washington, DC 20036. *Contract carrier: Irregular routes:*

*Building materials, roofing and insulating equipment, and supplies used in the installation thereof*, between the facilities of GAF Corp. at Baltimore, MD, on the one hand, and, on the other, pts in WV, for 180 days. Supporting shipper(s): GAF Corporation, 1361 Alps Rd., Wayne, NJ 07470. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146853 (Sub-1TA), filed August 31, 1979. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Rickard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Sawdust and shavings*, from Belle Fourche, SD to points in IA for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Hawkeye Woodshavings Incorporated, Iowa State Fairgrounds, Des Moines, IA 50317. Send protest to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147232 (Sub-4TA), filed July 30, 1979. Applicant: A.L. SMITH TRUCKING, INC., 8984 Murphy Rd., Versailles, OH 45380. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Dog food* from St. Marys, OH to points in IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Indiana Farm Bureau Cooperative, Association, Inc., 120 E. Market St., Indianapolis, IN 46204. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147522 (Sub-2TA), filed July 9, 1979. Applicant: GEORGE JOSEPH BRZEZINSKI, d.b.a. SHUR-WAY MOVING & CARTAGE CO., 124 Baker Road, Rondout, IL 60048. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Used household goods*, between points in the U.S. except MT, ND, SD, AL & HI for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Nine supporting shippers. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 147712 (Sub-2TA), filed August 30, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker, Santa Fe Springs, California 90670. Representative: Joseph Fazio, 10506 South Showmaker, Santa Fe Springs, California 90670. *Candy, confectionary products, and cough drops*, restricted to shipments originating at Luden, Inc., Reading, PA to Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. An underlying ETA seeks up to 90 days operating authority.

Supporting shipper(s): Luden's, Inc., Traffic Manager, 200 North 8th Street, Reading, Pennsylvania. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 147933 (Sub-1TA), filed August 29, 1979. Applicant: JOHN BRADSHAW, d.b.a. J. B. & SONS DISTRIBUTING CO., 3914 South Dalton Avenue, Los Angeles, California 90062. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, California 90010. *Contract: Irregular; (1) Toilet preparations, (a) between the facilities of Pro-Line Corporation, located at Birmingham, Alabama, (2) Materials, supplies and equipment used in the manufacture of (1) above, (except commodities in bulk), from Boston, MA and Erie, PA, to the facilities of Pro-Line Corporation located at Carson, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Pro-Line Corporation, Purchasing Director, 1059 Bedmar Street, Carson, California 90746. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.*

MC 147973 (Sub-2TA), filed August 30, 1979. Applicant: B. J. TRANSPORT, INC., Suite 112, Livestock Exchange Building, South St. Paul, MN 55075. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. *Printed matter, paper and paper products* from points in the Minneapolis-St. Paul, MN Commercial Zone to points in IL, IN, IA, KS, KY, MI, MO, NE, VA, NY, OH, PA, TN, TX and WI, and Tucson, AZ, Denver, CO, Atlanta, GA, Boston, MA, Elm City, NC, Fairview, NJ, Las Vegas, NV and Ogden, UT, for 180 days. Supporting shipper(s): Instant Web, Inc. 571 West 78th Street, Chanhassen, MN, McGill/Jensen 655 Fairview Avenue North, St. Paul, MN 55104. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 147983 (Sub-1TA), filed August 29, 1979. Applicant: MIAMI TRUCKING, INC., 585 East Fifth Street, Peru, IN 46970. Representative: Warren C. Moberly, 320 N. Meridian Street, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. *(1) Raw materials for processing or mixing into fertilizer and (2) fertilizer, dry, in bulk and in bags*, between points in IN on the one hand and, on the other, points in OH on and West of U.S. Highway #75 and points in IL in Cook, Will, Kankakee, Iroquois, Vermilion, Edgar, Clark, Crawford, Lawrence, Wabash, Edwards, White and Gallatin counties for 180 days. An underlying ETA seeks 90 days authority. Restricted to service for

Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc. Supporting shipper: Kaiser Agricultural Chemicals, P. O. Box 246, Savannah, GA 31402. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 148033 (Sub-1TA), filed September 4, 1979. Applicant: FAISON FILL, 1026 Tammy St., Fayetteville, NC 28301. Representative: John C. Tally, Suite 803, Wachovia Building, Green St., Fayetteville, NC 28302. *Stone and gravel in tractor-trailer dump trucks* from Bennettsville and Brownsville, SC to Whiteville and Butters, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crowell Constructors, Inc., P.O. Box 3645, Fayetteville, NC 28305. Send protests to: Sheila Reece, TA, ICC, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 148043 (Sub-1TA), filed August 28, 1979. Applicant: LEE DAMRON, Route 1, Counce, TN 38326. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Limestone, gravel, rock, clay, sand, slag, and coal cinders, in bulk, in dump vehicles*, from the facilities of Clyde Owen Sand and Gravel, Inc. in Hardin County, TN to points in Tishomingo and Alcorn counties, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clyde Owen Sand and Gravel, Inc., P.O. Box 190, Collierville, TN 38017. Send protests to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 148123 (Sub-1TA), filed August 30, 1979. Applicant: A & W TRUCK SERVICE, INC., Route Four, Siloam Springs, AR 72761. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Playground apparatus, grill accessories, revolving chairs, gymnasium apparatus, scooters and games and toys*, from facilities of Turco Manufacturing Company at or near DuQuoin and Williamson County, IL, to points in AZ, CA, OK, OR and WA, for 180 days. Supporting shipper(s): Turco Manufacturing Company, 501 South Line, DuQuoin, IL 62832. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 148163 (Sub-2TA), filed August 31, 1979. Applicant: SYLVAN FAAS, d.b.a. FASS TRANSPORT CO., Route 1, Lyle MN 55953. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Liquid fertilizer solution, in bulk*, from Winona, MN to points in Worth, Cerro Gordo, Floyd, Mitchell and Howard Counties, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R



& R Fertilizer, Inc., P. O. Box 180, St. Ansgar, IA 50472. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis MN 55401.

MC 148173 (Sub-1TA), filed August 31, 1979. Applicant: B&K TRUCKING, INC., 6528 W. Mississippi Way, Lakewood, CO 80226. Representative: William Fred Cantonwine, 6785 E. 50th Avenue, Commerce City, CO 80022. *Contract, irregular—cooked meats*, from facilities of Thumann's Provision Co. at Carlstadt, NJ to facilities of Thu-Cal Provision Co. at Los Angeles and San Diego, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thu-Cal Provision Co., 135 Palm Drive, Vista, CA 92083. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 148203 (Sub-1TA), filed September 19, 1979. Applicant: COPPER CITY TRANSPORT, INC., RD 2, Route 5F, Frankfort, NY 13340. Representative: Roy D. Pinsky, Suite 1020, State Tower Building, Syracuse, NY 13202. *Contract carrier, irregular routes: Aluminum and copper wire and cable and copper rods*, from the plantsite of Rome Cable Corporation at Rome, NY to all points in the United States (except AK and HI) and DC, for 180 days. Restricted to shipments under a continuing contract with Rome Cable Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rome Cable Corporation, 421 Ridge Street, Rome, NY 13340. Send protests to: Carol A. Perry, TA, ICC, P. O. Box 548, Montpelier, VT 05602.

MC 148242TA, filed August 27, 1979. Applicant: KANE TRANSPORT, INC., P. O. Box 126, Sauk Centre, MN 56378. Representative: Gene P. Johnson, P. O. Box 2471, Fargo, ND 58108. *Contract carrier: irregular routes: Petroleum and petroleum products, in bulk, in tank vehicles*, from the facilities of Murphy Oil Corp. at Superior, WI to points in MN on and north of a line beginning at the WI-MN state line and extending along MN Hwy. 95 to Junction MN Hwy. 23, then along MN Hwy. 23 to Junction U.S. Hwy. 12, then along U.S. Hwy. 12 to the MN-SD state line, under continuing contract(s) with Consumers Oil Co., Brainerd, MN., for 180 days. Supporting shipper(s): Consumers Oil Co., Box 822, Brainerd, MN 56401. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 148243TA filed August 17, 1979. Applicant: ST. CLAIR BUS TRANSPORTATION, INC., Route No. 3, Box 565, Leeds, AL 35094. Representative: Ronald L. Stichweh, 727

Frank Nelson Building, Birmingham, AL 35203. *Passengers and their baggage in special or charter service (in roundtrips)* from Jefferson, Shelby, St. Clair, Talladega, Calhoun, and Etowah Counties, AL, to New Orleans, LA; Atlanta, GA; Detroit, MI; Chicago, IL; New York, NY; Washington, DC; Indianapolis, IN; Chattanooga and Nashville, TN; and all points in FL, and return. Supporting shipper(s): There are "12" supporting shippers all of which can be examined at the Washington Office or the Birmingham, AL field Office. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 148273TA filed September 5, 1979. Applicant: FIRST SERVICE DRIVEAWAY, INC., 127 South Cornell Circle, Fort Wayne, IN 46007. Representative: Constance J. Goodwin, Suite 800, Circle Tower, 5 East Market Street, Indianapolis, IN 46204. *Motor Homes, in drive-away service, and travel trailers designed to be drawn by passenger automobiles, in towaway service*, between the facilities of GI GI Industries, Inc., Grainger County, TN, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NE, NC, NJ, NY, OH, OK, PA, SC, TN, TX, UT, VA, VT, WV and WI for 180 days. Supporting shipper: GI GI Industries, Inc., Rutledge, TN. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 13569 (Sub-55TA), filed September 7, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., INC., 1200 S. State St., Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. *Refractory products* from the facilities of C-E Industrial Products at Valley Forge, PA to points in the states of IL, IN, MI, & OH for 180 days. Supporting shipper(s): C-E Industrial Products, P.O. Box 828, Valley Forge, PA 19482. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room 620, Philadelphia, PA. 19106.

MC 15859 (Sub-11TA), filed August 3, 1979. Applicant: THE HINE LINE, P.O. Box 68, Burket, IN 46508. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Iron and steel and iron and steel articles*, from the facilities of National Steel Corp. at Weirton, WV and Steubenville, OH to points in IN, IA, KS, MN, MO, NE and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weirton Steel, a division of

National Steel Corp., 3 Springs Road, Weirton, WV 26062. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St. Rm 429, Indianapolis, IN 46204.

MC 26739 (Sub-105TA), filed September 6, 1979. Applicant: ALFARM TRUCK LINES, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Truck frames and bolsters, steel, railway car or locomotive*, from Atchison, KS and St. Joseph, MO. to McCook, IL for 180 days. Supporting shipper(s): Logistics Operations, General Motors Corp., 30007 Van Dyke Ave., Warren, MI. Rockwell International Supply and Mass Transit Division, P.O. Box 188, Atchison, KS 66002. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 40978 (Sub-66TA), filed September 5, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 S., Sheboygan, WI 53081. Representative: Daniel Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Molded plastic parts and products* from Albia, IA to points in IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chicago Molded Products Corp., 300 S. Northwest Hwy., Park Ridge, IL 60068. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 56679 (Sub-143TA), filed September 5, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). *General commodities (with usual exceptions)* (a) between points in AL on the one hand, and on the other, points in FL and SC (b) between points in TN on the one hand, and on the other points in FL, NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 35 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 106398 (Sub-972TA), filed August 29, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Buildings, knocked down including all component parts and accessories thereto*, from the facilities of Mesco Steel Buildings, in Grapevine, TX, to points in AZ, NM, KS, CO, & MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mesco Metal Buildings, Inc., P.O.

Drawer G, Grapevine, TX 76051. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-973TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Plastic pipe, fittings and related items*, from the facilities of Jet Stream Plastics, located at Siloam Springs, AR and Mason City, IA, to all points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jet Stream Plastics, P.O. Box 190, Siloam Springs, AR 72761. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-974TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Wire and wire products, fence and fencing materials*, from the facilities of Bakaert Steel Wire Corporation, located at Van Buren, AR, to all points in the United States, except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bakaert Steel Wire Corporation, Box 668, Van Buren, AR 72956. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-975TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Rough iron castings*, from the facilities of North American Foundry located at Fort Smith, AR, to all points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North American Foundry, 4721 South Zero Street, Fort Smith, AR 72903. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-976TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Metal buildings, component parts and supplies*, from the facilities of American Steel Buildings, located at Houston, TX, to all points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Steel Buildings, 12218 Robin Blvd., Houston, TX 77021. Send protests

to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-977TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Plastic insulating forms or shapes, cellular, expanded or foamed*, from the facilities of Monsanto Company, at or near Cincinnati, OH, to points in CT, IL, IN, MD, MA, MI, MO, NJ, NY, NC, AL, VA, & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-978TA), filed August 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Glass and accessories*, from the facilities of Pittsburgh Corning Corporation located at Sedalia, MO, to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, LA, OH, OK, MI, MN, MS, NE, TX, & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pittsburgh Corning Corporation, 800 Presque Isle Drive, Pittsburgh, PA 15239. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 110288 (Sub-9TA), filed August 28, 1979. Applicant: HARRY HENERY, INC., 3517 West Washington Street, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Plastic containers*, from the facilities of Hoover Universal at or near Franklin, IN to Chicago and Joliet, IL, St. Louis, MO and Detroit, MI for 180 days. Supporting shipper: Hoover Universal, Inc., Route 2, Triport Road, Georgetown, KY 40324. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 110288 (Sub-10TA), filed August 6, 1979. Applicant: HARRY HENERY, INC., 3517 W. Washington Street, Indianapolis, IN 46241. *Heat transfer equipment and equipment, materials and supplies used in the manufacture and distribution of heat transfer equipment*, between Danville and Beardstown, IL, Jackson, MI and Commerce City, CA on the one hand and, on the other, points in the United States, except AK and HI, for 180 days. Supporting shipper: Bohn Heat Transfer Division, 1625 E. Voorhees Street, Danville, IL 61832. Send protests to:

Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 114848 (Sub-61TA), filed August 30, 1979. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, TN 38113. Representative: Terry T. Wharton, 1498 Channel Avenue, Memphis, TN 38113. *Wheat flour in pneumatic hopper type equipment*, from Memphis, TN to Jackson, MS and Meridian, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dixie Portland Flour Mills, Inc., P.O. Box 17236, Memphis, TN 38117. Send protests to: Floyd A. Johnson, 100 N. Main Building, Suite 2006, Memphis, TN 38103.

MC 117169 (Sub-6TA), filed September 4, 1979. Applicant: BEASLEY TRUCKING, INC., P.O. Box 191, Casper, WY 82602. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, CO 80264. (1) *Equipment, materials, and supplies* used in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, between points in CO, ID, MT, ND, SD, NM, NV, UT, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 27 shippers. Their statements may be examined at the ICC Office listed below or at Headquarters Office. Send Protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Building and Courthouse, 111 South Wolcott, Casper, WY 82601.

MC 117589 (Sub-84TA), filed July 19, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3802 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. *Canned food products when moving in mixed loads with frozen foods*, from points in WA, OR and ID to Albuquerque, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nobel, Inc., 1101 West 48th Avenue, Denver, CO. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.



MC 118159 (Sub-362TA), filed August 29, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P. O. Box 2298, Green Bay, WI 54306. *Coal and coal products, in packages, calcium carbonite, in bags*, from Louisville, KY, to all points in the United States, (except AK and HI), for 180 days. Supporting shipper(s): Universal Products and Sales Corporation, 200 West Monroe Street, Suite 1607, Chicago, IL 60606. Send protests to: Connie Stanley, ICC, Room 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119789 (Sub-632TA), filed September 4, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P. O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P. O. Box 226188, Dallas, TX 75266. *Chemicals, in containers, in mechanically refrigerated equipment* from Florence, SC to points in TX. Representative destinations: Dallas, Houston, Lubbock, San Antonio, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Vordenbaum, Inc., Rt. 3, Box 208GR, San Antonio, TX 78218. Send protests to: Opal Jones, Transp. Consumer Spec., ICC, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 120618 (Sub-23TA), filed July 19, 1979. Applicant: SCHALLER TRUCKING CORPORATION, 5700 West Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, DC 20006. *Aluminum and aluminum articles*, from the facilities of Anaconda Company Aluminum Division located at or near Seebree, KY to points in AR, AL, IL, IN, TN and TX for 180 days. Supporting shipper: The Anaconda Company, Alum. Div., P. O. Box 32860, Louisville, KY 40272. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 127539 (Sub-81TA), filed July 20, 1979. Applicant: PARKER REFRIGERATED SERVICE, 1108-54 Ave. East, Tacoma, WA 98424. Representative: Michael D. Duppenhaler, 211 S. Washington St., Seattle, WA 98104. *Drugs, medicines and toilet preparations; plastic articles; beverages; dessert preparations and foodstuffs; health and beauty products and their equipment washing, cleaning and scouring compounds and mops and brooms*, from points in the Los Angeles, CA Commercial Zone to points in OR,

UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bristol-Myers Company, 345 Park Avenue, New York, NY 10022. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 135518 (Sub-21TA), filed July 11, 1979. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Foodstuffs, when moving in vehicles equipped with mechanical refrigeration*, from points in WA to points in OR; from points in WA & OR to points in CA, restricted to traffic moving to and from the facilities of North Pacific Cannery & Packers, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Cannery & Packers, P.O. Box 02113, Portland, OR 97202. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 135518 (Sub-22TA), filed July 26, 1979. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Foodstuffs, consisting of tortillas, burritos, tacos, taco shells and related Mexican Foods*, from Riverside, Santa Ana, Compton and Montebello, CA to points in OR and WA, restricted to traffic moving from the facilities of Butcher Boy Foods, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Butcher Boy Foods, Inc., P.O. Box 5647, Riverside, CA 92517. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 135518 (Sub-23TA), filed August 20, 1979. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Frozen and perishable foodstuffs when moving in vehicles equipped with mechanical refrigeration*, from points in Los Angeles and Orange Counties, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 statements in support attached to this application which may be examined at the ICC in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 135598 (Sub-33TA), filed September 6, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S.

LaSalle Street, Chicago, IL 60603. *Waste products for recycling or reuse in the furtherance of recognized pollution control programs* from Burlington, IA to Detroit, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quad County Recyclers, Inc., RR4, Box 306D, Burlington, IA 52655. Send protests to: Annie Booker, T/A, Room 1386, 219 S. Dearborn Street, Chicago, IL 60604.

MC 140028 (Sub-6TA), filed July 25, 1979. Applicant: MOULDEN & SONS, INC., P.O. Box 18, Enumclaw, WA 98022. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. *Pig iron in dump vehicles*, from Olympia, WA to points on the United States-Canada boundary in the States of WA, for 180 days. Supporting shipper(s): Philipp Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141548 (Sub-6TA), filed July 19, 1979. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Asbestos cement pipe and plastic pipe*, from the facilities of Johns-Manville Corp. in Stockton, CA to points in WY and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, 2600 Campus Drive, San Mateo, CA 94403. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142559 (Sub-118TA), filed August 13, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad Street, Columbus, OH 43215. *Welders, welder part, welder systems, welding compounds, welding supplies, and materials and supplies used in the manufacture distribution, and operation of the named commodities (except commodities in bulk)* between City of Industry and Sante Fe Springs, CA, on the one hand, and, on the other, points in the US except AK and HI. Restricted to traffic originating at or destined to the facilities owned or utilized by Stooddy Co. and Stooddy International Co. for 180 days. Supporting shipper(s): Stooddy Co. & Stooddy International Co., 16425 Gale Avenue, P.O. Box 1901, City of Industry, CA 91745. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Phila., PA 19106.

MC 142559 (Sub-11TA), filed August 13, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley

Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad Street, Columbus, OH 43215. *Wearing apparel on hangers, and materials, equipment and supplies used in the manufacture and distribution of wearing apparel (except commodities in bulk, between the facilities of Devon Apparel, Inc., located in Philadelphia, PA and El Paso, TX for 180 days. Supporting shipper(s): Devon Apparel, Inc., 3300 Frankford Avenue, Philadelphia, PA 19134. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Phila., PA 19106.*

MC 143328 (Sub-26TA), filed September 4, 1979. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherland, Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave NW, Washington, DC 20036. *Beverages from MT to the U.S.-Canada International Boundary line at ports of entry in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Big Sky Bottling, Inc., 2010 South 3rd West, Missoula, MT 59801. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.*

MC 144888 (Sub-16TA), filed September 4, 1979. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset Street, Somerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. *Contract carrier, irregular routes for for 180 days. Chemicals, NOI, Ink, Paint and Oil Compounds and materials used in their manufacture, except in tank vehicles, from, to or between the following point or described areas: To, from and in between the plantsite and storage facilities of Philip A. Hunt Chemical Corporation at or near Palisades Park, NJ and Long Island City, NY, on the one hand, and, on the other, points and places in CA, GA, IL, MD, MA, MI, NJ, NY, OH, PA, RI, TN, TX, VA and DC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Philip A. Hunt Chemical Corp., Foot of Roosevelt Place, Palisades Park, NJ 07650. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 145119 (Sub-3TA), filed August 29, 1979. Applicant: LINT TRANSFER, INC., 4549 Delaware Avenue, Des Moines, Iowa 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier, irregular route. Tires, tire tubes, and wheels, from the facilities of Armstrong Rubber Company at Des Moines, IA to points in IL, MN, MO, and NE, under contract with the Armstrong Rubber Company, for 180 days. An underlying*

*ETA seeks 90 days authority. Supporting shipper(s): The Armstrong Rubber Company, 2345 Market Street, Des Moines, IA 50316. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.*

MC 145648 (Sub-6TA), filed July 12, 1979. Applicant: DUDLEY TRUCKING, INC., P.O. Box 1651, Tacoma, WA 98401. Representative: Michael D. Dupperthaler, 211 South Washington Street, Seattle, WA 98104. *Crushed cars and scrap metal for recycling purposes, from points in MT and ID to Tacoma, WA and McMinnville, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AA Auto Salvage, So. 3500 Inland Empire Way, Spokane, WA. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.*

MC 146079 (Sub-6TA), filed June 25, 1979. Applicant: JACKSON TRANSPORTATION, INC., R.R. 1, Box 410A, Clayton, IN 46118. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. (1) *Battery boxes, covers and vents, from the facilities of the Richardson Company at Indianapolis, IN to points in AL, CT, DE, FL, GA, IL, MN, KY, MA, MI, MS, VT, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, and WI. and; (2) Materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above from points in AL, CT, DE, FL, GA, IL, MN, KY, MA, MI, MS, VT, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, and WI to the facilities of the Richardson Company at Indianapolis, IN, for 180 days. Supporting shipper(s): The Richardson Company, 2701 W. Lake St., Melrose Park, IL 60160. Send protests to: Beverly Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 146519 (Sub-7TA), filed August 6, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prarieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. *Contract Carrier: Irregular routes: Baking powder, except in bulk, from the facilities of Hulman & Co. located at or near Terre Haute, IN to Birmingham, Dothan, Mobile, and Montgomery, AL; Little Rock and Waldo, AR; Jacksonville, Miami, and Tampa, FL; Wichita, KS; Lexington and Louisville, KY; Alexandria, Monroe, New Orleans and Shreveport, LA; Greenville and Jackson, MS; Joplin, Kansas City, Springfield, and St. Louis, MO; Omaha, NE; Albuquerque, NM;*

*Oklahoma City and Tulsa, OK; Bristol, Chattanooga, Knoxville, Memphis and Nashville, TN; and Salt Lake City, UT for 180 days. Supporting shipper: Hulman and Co., 900 Wabash, Terre Haute, IN 47807. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 146669 (Sub-1TA), filed March 20, 1979. Applicant: McDUGALD OIL CO., INC., 459 Nichols Lane, P.O. Box 309, Moab, UT 84532. Representative: Richard P. Kissinger, 50 South Steele Street, Suite 330, Denver, CO 80209. *Contract carrier, irregular route, petroleum and petroleum products, in bulk, between points in AZ, CO, NM and UT, under continuing contract with Gary Refining Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gary Refining Company, Four Inverness Court East, Englewood, CO 80112. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.*

MC 146669 (Sub-2TA), filed August 31, 1979. Applicant: McDUGALD OIL CO., INC., 459 Nichols Lane, P.O. Box 309, Moab, UT 84532. Representative: Richard P. Kissinger, 50 S. Steele Street, Suite 330, Denver, CO 80209. *Contract carrier, irregular route, Petroleum and petroleum products, in bulk, between points in San Juan County, UT, Dolores and Montezuma Counties, CO, and San Juan County, NM, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): Plateau, Inc., 4775 Indian School Road, Albuquerque, NM. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.*

MC 146949 (Sub-8TA), filed June 29, 1979. Applicant: McINVALE TRUCK LINES, INC., 5965 Highway 18 W., Jackson, MS 39209. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Cleaning, washing and buffing compounds, chemicals, drugs and toilet preparations (except commodities in bulk) from the facilities of American Cyanamid Company at or near Jackson, MS, to points in AZ, CA, CO, NV, NM, OK, OR, TX, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, 859 Berdan Avenue, Wayne, NJ 07470. Send protests to: Alan Tarrant, D/S, ICC, Room 212, 145 E. Amite Building, Jackson, MS 39201.*

MC 147649 (Sub-1TA), Filed July 9, 1979. Applicant: AMERICAN CONTAINER TRANSPORT, INC., 7350 S.W. Marginal Way, Seattle, WA 98134.

Representative: Bruce A. Wolf, Kargianis & Austin, Attorneys at Law, 2120 Pacific Building, Seattle, WA 98104. (1) Containers and containerized freight consisting of general commodities having a prior or subsequent movement by water; (2) Empty used containers, used trailers, and used trailer chassis, between points in the states of WA (Seattle, Tacoma, Longview, Vancouver, Blaine, Bellingham & Spokane); ID (Boise, Pocatello, Idaho Falls); MT (Missoula, Great Falls, Billings and Helena); OR (Portland, Salem, Eugene, Medford, Klamath Falls), and CA (San Francisco, Oakland, Fresno, Sacramento, Los Angeles, Long Beach, San Diego), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American President Lines, Terminal 25, P.O. Box 21186, Seattle, WA 98111; Evergreen United, 4th & Battery, Suite 900, Seattle, WA 98121. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147948 (Sub-5TA), filed September 4, 1979. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Iron or steel wire rods* (1) from Perth Amboy, NJ to points in CT, MA, RI, NY, DC, DE, MD, VA, NC, PA, OH, IN, MI, IL, WV and KY; and (2) from Perth Amboy, NJ to points in NJ having a prior or subsequent movement by water, for 180 days. Supporting shipper(s): Raritan River Steel Co., P.O. Box 309, Perth Amboy, NJ 08862. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 147958 (Sub-1TA), filed August 10, 1979. Applicant: EMILE R. CARUFEL, d.b.a. CARUFEL REFRIGERATED SERVICE, 21109 91st E. Bonney Lake, Sumner, WA 98390. Representative: Emile R. Carufel, (same as above). *Contract carrier, irregular routes, Meat and meat by-products as defined by the Commission and related products*, from Seattle, Tacoma, Ellensburg and Toppenish, WA to points in California such as but not confined to Sacramento, San Francisco, San Jose, Fresno, Los Angeles, and Vista, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Superior Packing Company, P.O. Box 277, Ellensburg, WA 98296. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147959 (Sub-1TA), filed August 21, 1979. Applicant: RON GARNER, Route 2, Box 405, Buckley, WA 98321. Representative: Ron Garner (same as above). *Contract Carrier, irregular*

*routes, iron and steel articles, including pipe and plate*, between points in WA, OR, ID, MT, WY and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Millsteel Co., P.O. Box 24445, Seattle, WA 98124 Western Iron Works, Inc., P.O. Box 3238, Butte, MT 59701. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148008 (Sub-1TA), filed September 4, 1979. Applicant: RUSSELL HERBERER d.b.a. P. J. TRUCKING COMPANY, Rt. 1, Kewaskum, WI 53040. Representative: Frank Coyne, 25 W. Main Street, Madison, WI 53703. (1) *Electrical appliances and fabricate metal products and (2) materials and supplies used in manufacture of items in (1) from* Hartford, WI to Atlanta and Cedartown, GA; Dallas, TX; Nashville, TN; New Orleans, LA; Tampa, FL; North Wilkesboro, NC and Old Forge, PA and (2) from Chicago, IL; Columbus, OH; Detroit, MI; Gainesville, GA; Jacksonville and Jonesboro, AR; Long Beach, MS; and Old Forge, PA to Hartford, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Broan Manufacturing Co., 926 W. State Street, Hartford, WI 53027. Send protests to: Gail Daugherty, TA, ICC 517 E. Wisconsin Avenue., Room 619, Milwaukee, WI 53202.

MC 148188TA filed September 4, 1979. Applicant: RETAIL LEASING CORP., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Avenue, NW, Washington, DC 20036. *Contract: irregular, such merchandise as is dealt in by retail department stores, and equipment, materials, and supplies used in the conduct of such business (except commodities, in bulk, in tank vehicles) under continuing contract or contracts with The Limited Stores, Inc.* between all points in the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IS, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): The Limited Stores, Inc., One Limited parkway, Columbus, OH 43216. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room. 620, Philadelphia, PA 19106.

MC 148298TA filed August 16, 1979. Applicant: THARP SALES AND SERVICE, INC., 1204 Oklahoma Avenue, Trenton, MO 64683. Representative: W. R. England, III, Hawkins, Brydon & Swearengen, P.O. Box 456, Jefferson

City, MO 65102. *Liquid and dry fertilizer and fertilizer ingredients*, from the facilities of W. R. Grace & Company at Trenton, MO to points in IA, KS and NE, for 180 days. Supporting shipper(s): W. R. Grace & Company, Agricultural Chemicals Group, 100 North Main Street, P.O. Box 277, Memphis, TN 38101. Send protests to: Vernon V. Coble, District Supervisor, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 79-33827 Filed 11-6-79; 8:45 am]  
BILLING CODE 7035-01-M

# Sunshine Act Meetings

Federal Register

Vol. 44, No. 217

Wednesday, November 7, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11 a.m., Friday, November 16, 1979.

**PLACE:** 2033 K Street NW., Washington, D.C., 8th floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Briefing.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254-6314.

[S-2173-79 Filed 11-5-79; 10:53 am]  
BILLING CODE 6351-01-M

### 2

#### FEDERAL ELECTION COMMISSION. FEDERAL REGISTER NO. 2134.

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Tuesday, November 6, 1979 at 10 a.m.

**CHANGE IN MEETING:** The hearing for the Udall 1976 Committee Contesting a repayment determination has been postponed.

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Thursday, November 8, 1979 at 10 a.m.

#### CHANGES IN MEETING:

The following items have been added to the agenda:

1. Draft Advisory Opinion 1979-53.
2. Draft Advisory Opinion 1979-45 continued from November 1, 1979.
3. Reallocations of Funds in Fiscal Year 1980 Management Plan continued from November 1, 1979.

4. 3 Position Descriptions continued from November 1, 1979.

The following item has been deleted from the agenda:

Budget Execution Report.

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,  
*Secretary to the Commission.*

[S-2178-79 Filed 11-5-79; 3:57 pm]

BILLING CODE 6715-01-M

### 3

#### FEDERAL HOME LOAN BANK BOARD.

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Vol. 44, FR Page 63001, November 1, 1979.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 10 a.m., November 8, 1979.

**PLACE:** 1700 G Street, NW., Sixth Floor, Washington, D.C.

**STATUS:** Open Meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Franklin O. Bolling, (202-377-6677).

#### CHANGES IN THE MEETING:

The following item has been added to the agenda for the open meeting.

Application for Permission to Convert to a Federal Chartered Stock Association—Naples Federal Savings and Loan Association, Naples, Florida.

Announcement is being made at the earliest practicable time.

No. 288, November 5, 1979.

[S-2176 Filed 11-5-79; 3:08 pm]

BILLING CODE 6720-01-M

### 4

#### FEDERAL RESERVE SYSTEM.

#### COMMITTEE ON EMPLOYEE BENEFITS OF THE BOARD OF GOVERNORS.

**TIME AND DATE:** 11:15 a.m., Monday, November 5, 1979.

**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20661.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Proposals on internal personnel procedures relating to the System's employee benefits program:

(a) proposed pension supplement to the Retirement Plan;

(b) proposed amendments to the Long-Term Disability Income Plan; and

(c) proposed amendment to the Life and Survivor Income Insurance Plan.

This matter was originally announced for a meeting on October 17, 1979.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Theodore E. Allison, Secretary of the Board; (202) 452-3257.

Dated: November 5, 1979.

Theodore E. Allison,  
*Secretary of the Board.*

[S-2175-79 Filed 11-5-79; 3:08 pm]

BILLING CODE 6210-01-M

### 5

#### NUCLEAR REGULATORY COMMISSION.

**TIME AND DATE:** Friday, November 2, 1979 (Changes).

**PLACE:** Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

**STATUS:** Open/Closed.

#### MATTERS TO BE CONSIDERED:

November 2, 1979, 1:30 p.m.,

1. Briefing on Swelling of Fuel Cladding—Results of Research & Actions Being Taken (approximately 1½ hours, public meeting). Additional item.

2. Affirmation Session (approximately 5 minutes, public meeting).

a. Duke Power Co., Transfer of Spent Fuel.  
b. Order in Shearon Harris, postponed from November 1.

3. Discussion of Proposed Testimony Concerning Report by Presidential Commission on TMI (closed—exemption 9) as scheduled.

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee, (202) 634-1410.

Roger M. Tweed,  
*Office of the Secretary.*

November 2, 1979.

[S-2174-79 Filed 11-5-79; 2:30 pm]

BILLING CODE 7590-01-M

### 6

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

#### Meeting of the Board of Directors

**TIME AND DATE:** Meeting of the OPIC Board of Directors: Tuesday, November 13, 1979 at 9 a.m. (Closed Portion); 10:30 a.m. (Open Portion).

**PLACE:** Offices of the Corporation, seventh (7th) floor Board Room, 1129 20th Street NW., Washington, D.C.

**STATUS:** The first part of the meeting from 9 a.m. to 10:30 a.m. will be closed

to the public. The open portion of the meeting will start at 10:30 a.m.

**MATTERS TO BE CONSIDERED:**

Closed to the public: 9 a.m. to 10:30 a.m.

1. Country Concentration: FY 80 Underwriting.
2. Finance Project in an African Country.
3. Finance Project in Middle East Country.
4. Finance Project in an African Country.
5. Insurance Project in an East Asia Country.
6. Claims Report.
7. Information Reports.

**FURTHER MATTERS TO BE CONSIDERED:**

Open to the public: 10:30 a.m.

1. Approval of the Minutes of Previous Board Meeting
2. Confirmation of Scheduled Board Meetings
3. Extension of Insurance Broker Program
4. Insurance for Investments in Projects Involving Host Government Ownership or Guaranties
5. Financial Statement
6. Information Reports

**CONTACT PERSON FOR INFORMATION:**

Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 632-1839.

November 2, 1979.

Elizabeth A. Burton,  
*Corporate Secretary.*

[S-2177-79 Filed 11-5-79; 3:55 pm]

BILLING CODE 3210-01-M

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Wednesday  
November 7, 1979

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**Part II**

**Department of  
Energy**

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**Residential Conservation Service Program**

**DEPARTMENT OF ENERGY****10 CFR Part 456**

[Docket No. CAS-RM-79-101]

**Residential Conservation Service Program****AGENCY:** Department of Energy.**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) is implementing the Residential Conservation Service (RCS) Program pursuant to Part 1 of Title II of the National Energy Conservation Policy Act (NECPA), Pub. L. No. 95-619, 92 Stat. 3206, *et seq.* The purpose of the Program is to encourage the installation of energy conservation measures, including renewable resource measures, in existing houses by residential customers of larger gas and electric utilities as well as home heating suppliers. The final rule sets out the requirements for State Plans and Nonregulated Utility Plans which contain requirements for utilities and home heating suppliers in administering their RCS programs. In addition, the rule addresses certain prohibitions, and exceptions thereto, concerning utilities' supply, installation, and financing of energy conservation measures, and it outlines the situations and terms under which Federal Standby Authority would be exercised. The rule also contains material and installation standards for measures installed under the RCS program.

**EFFECTIVE DATE:** December 7, 1979.**FOR FURTHER INFORMATION CONTACT:**

James R. Tanck, Director, Residential Conservation Service Program, Office of Conservation and Solar Energy, Department of Energy, Room 3128, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-4020.

Susan Caplan, Office of General Counsel, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-4011.

**SUPPLEMENTARY INFORMATION:****I. Introduction.****II. Subpart A—General Provisions and Definitions.****III. Subpart B—Procedural Requirements for State Plans.****IV. Subpart C—Content of State Plans.****V. Subpart D—Nonregulated Utility Plans.****VI. Subpart E—Supply, Installation and Financing by Utilities.****VII. Subpart F—Federal Standby Authority and Enforcement Provisions.****VIII. Subpart G—Renewable Resource Material and Installation Standards.****IX. Subpart H—Energy Conservation Material Standards.****X. Subpart I—Energy Conservation Installation Standards.****XI. Regulatory Analysis and Urban and Community Impact.****XII. Environmental Impact Statement.****XIII. Contractor Contributions to the RCS Program Rulemaking.****I. Introduction**

On March 19, 1979, the Department of Energy (DOE) published a proposed rule (44 FR 16546) to establish the Residential Conservation Service (RCS) Program to encourage and facilitate the installation of energy conservation measures and renewable resource measures.

DOE received 443 written comments on the proposed rulemaking and 415 individuals testified at the public hearings held in April and May at eight locations throughout the United States. An additional hearing was held in August on the Draft Regulatory Analysis, Draft Environmental Impact Statement and Draft Urban and Community Impact Assessment.

Virtually all the commenters supported the aims of Title II of the National Energy Conservation Policy Act (NECPA), and many suggestions were made that resulted in changes in the Final Rule. With the issuance of this Final Rule, the Department of Energy amends Chapter II of Title 10 CFR by adding a new Part 456 to establish a RCS Program, pursuant to Title II, Part I of the National Energy Conservation Policy Act, Pub. L. No. 95-619.

During the public comment period, DOE at numerous times pointed out that it means the Proposed Rule to be just that, a proposal. It emphasized that, subject to the provisions of NECPA, DOE was prepared when presented with facts or reasoned arguments to reconsider its proposals. The Final Rule demonstrates that DOE has attempted to accommodate legitimate concerns raised by the public. DOE's chief concerns in its review of the public record were:

(1) Providing for an effective RCS Program; and

(2) Carrying out its responsibilities under NECPA.

For those who commented that DOE should provide only general guidance, there may be disappointment in the Final Rule. However, the legislation has detailed requirements which do not lend themselves to "general guidance." For those who recognized the constraints of the legislation and argued the merits of one approach over another approach in terms of achieving Program effectiveness, there is likely to be some satisfaction.

In many instances, the Rule has been changed to reflect the comments received, particularly those comments which explained the basis for comment.

Many comments, however, addressed themselves not to the requirements in the Proposed Rule but to the requirements of NECPA itself. Also, many comments were based on a misreading of the Proposed Rule. In these cases, DOE has attempted to clarify the Final Rule language. For those who took the time to provide reasoned alternatives under the law, especially when supported with data or factual material, DOE thanks you.

In its review of the comments and subsequent preparation of the Final Rule, DOE carefully reexamined costs and, where possible, altered the requirements of the Rule to lower those costs. In addition, DOE reevaluated the flexibility in its Proposed Rule and, in some cases, provided additional flexibility. To cite all the changes in this introduction is not possible, but a few examples can serve to illustrate:

- The post-installation inspection requirement was reduced in both its coverage of Program measures and the degree to which it applies while still providing the necessary assurances of proper installation procedures;

- Although the Program Announcement and in-person delivery of audit results provisions were retained, DOE has reexamined the costs and effectiveness of these requirements and has provided flexibility for the States to pose alternatives to them in their State Plans;

- The material and installation standards were reevaluated based on the need for safety and/or effectiveness and, as a result, reduced in scope and coverage;

- The "front-end" problems associated with NECPA's requirement that customers receive the offer to audit, etc., within six months of State Plan approval were considered, and an approach allowing the scheduling of energy audits by geographic area or energy use was adopted;

- States are allowed to add measures to the Program so that individual State needs can be met;

- Class B audits continue to be allowed, but quality assurance requirements have been added for Class B audits offered in conjunction with the RCS Program;

- One audit of all Program measures (conservation and renewable resource) has been prescribed, which should reduce the costs of providing audits.

- An applicability of measures test has been added to the audit procedure to ensure only those Program measures appropriate to the customer are considered in the audit, which should also reduce audit costs;



- DOE, recognizing the burden on the State in implementing the RCS Program, has separately requested that Congress provide funds for State grants in the proposed Energy Management Partnership Act;

- Separate billing apart from the utility or home heating supplier periodic bill is allowed, thus eliminating the costs of changing computer programs or billing formats;

- Information concerning do-it-yourself installation of measures has been added to the energy audit to provide customers with a cost-effective alternative to contractor installations; and

- The attention to energy conservation practices (low-cost and no-cost actions) has been expanded. Eligible customers receiving energy audits are advised to implement these practices before installing energy conservation or renewable resource measures.

Finally, a most important area of flexibility remains unchanged from the Proposed Rule—when the Rule does not prohibit or require something or subject something to explicit conditions, the States and/or utilities and home heating suppliers are free to develop their programs in the manner that suits their needs and desires.

A number of sections of the Final Rule are reserved. For the most part, the reserved sections are in the Standards Subparts G, H, and I and in the section dealing with qualifications of installers and inspectors of certain measures (Section 456.314). DOE will shortly issue a Proposed Rule, which will address the reserved portions of this Final Rule. A sixty day public comment period, including a public hearing is planned. DOE has determined that standards are necessary for general safety and effectiveness for the measures where reserved sections appear. Consequently, if final standards are not issued by the Department prior to the approval of a State Plan, the measure will not be included in that State's RCS Program and no information on the measure may appear in the Program Announcement or Program audits.

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, DOE prepared a Draft Environmental Impact Statement (DEIS) for the RCS Program. This DEIS, DOE/EIS-0050D, was made available for comment by a notice in the Federal Register on July 16, 1979 (44 FR 41208). As mentioned above, a hearing on this DEIS was held on August 14, 1979. Comments received both at this hearing and during the 45 day public review

period were reviewed by DOE and appropriate responses included in the Final Environmental Impact Statement (FEIS). The FEIS is published in conjunction with this Final Rule and is summarized in Section XII of this Preamble. Certain portions of the DEIS pertaining to indoor air quality were substantially modified in the FEIS in response to both comments received on the DEIS and the Proposed Rule and to additional DOE concerns on this subject. By separate notice, DOE will propose an amendment to the RCS Program which will address the general subject area of indoor air quality.

The Final Rule is not the end of this process. Rather it is only the framework for the real action to begin, and not until every customer is encouraged to get an energy audit, gets one and acts on its information by making his home more energy efficient will the real end be reached. This end will not be reached without the States, utilities, home heating suppliers and DOE all working toward achieving it.

The principal authors of this Final Rule are: Shelley Launey, Jackie Goff, Susan Caplan, Ken Schafer, Dan Quigley, Gary Moore, William Funk, Mary Ann Bernald, James Tanck, and Ernie Freeman.

Despite our best efforts in the Rule and Preamble to clarify provisions where questions of interpretation were raised, undoubtedly some persons affected by the Rule will have questions concerning the meaning of particular provisions. Formal interpretations concerning the Rule may be obtained pursuant to the procedures found in 10 CFR 205.80 *et seq.* Informal interpretations may be obtained by contacting the Office of the Assistant General Counsel for Conservation and Solar Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-4011. General information about the RCS Program can be obtained from the Director of the RCS Program. Formal petitions for amendments to this Rule may be filed by submitting one copy to the Assistant Secretary of Conservation and Solar Energy and one copy to the General Counsel of the Department of Energy.

Given the length and complexity of the Final Rule, DOE has arranged a question and answer session for interested persons and representatives of interested organizations following publication of the Final Rule. The session will be held from 9:30 a.m. to noon Monday, November 19 at the Quality Inn, 415 New Jersey Avenue, N.W., Washington, D.C. The session will be tape recorded and the recording will be available in the DOE Reading Room,

Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

## II. Subpart A—General Provisions and Definitions

### A. General Provisions

Section 456.102 of the Proposed Rule provided the procedure by which a utility files a petition to the Assistant Secretary when it becomes aware of a conflict between NECPA and any State or local law or regulation. The Section also provided for the Assistant Secretary to give notice of the petition and opportunity for comment to the Governor, State Energy Office, the State Regulatory Authority and other parties the Assistant Secretary deems appropriate.

DOE received 14 comments regarding petitions concerning conflicts of laws.

At least three commenters suggested that the responsibility for filing petitions concerning conflicts of laws should rest with the State rather than the utility. The example of a State law covering all the utilities in the State was offered as a situation in which State research of laws and filing of a general petition would eliminate the duplication of effort required if all affected utilities had to file separately.

NECPA limits DOE's flexibility to assign to the State the responsibility for filing petitions. Section 220 of NECPA assigns this responsibility to the utility. As the agents of the RCS program, utilities are most likely to be aware of and affected by conflicts between NECPA and State and local laws and regulations. However, utilities may submit class petitions to avoid duplicative filing.

The Denver Office of Energy Conservation commented that the rules do not specify a time frame within which petitions must be made.

Section 456.303 of this Rule specifies that the State Plan shall require each covered utility to petition the Assistant Secretary whenever the utility believes a conflict between laws exists. DOE does not believe that any particular time limit need be set by DOE. It is incumbent on the State to ensure enforcement of the State Plan.

Six commenters recommended that the Assistant Secretary give notice and opportunity to comment to all utilities affected by a conflicting law or regulation cited in a petition submitted to the Assistant Secretary. It was further suggested that the Assistant Secretary give notice of petitions in the Federal Register.

The Final Rule, as well as the Proposed Rule, provides that the Assistant Secretary will notify the Governor, the State Energy Office and the State Regulatory Authority of the affected State. These entities may notify other interested utilities. Moreover, the Rule provides that the Assistant Secretary may notify other interested parties. It is believed that all affected utilities will have notice and an opportunity to comment under these procedures.

Several commenters proposed that the Secretary give notice and opportunity to comment to the utility that filed the petition, in addition to the parties specified in the Proposed Rule.

DOE does not feel that such a provision is necessary, since the petition contains the utility's comment.

One commenter suggested that the Assistant Secretary specify the criteria that will be used in deciding whether a State or local law will be superseded by NECPA or a rule or plan promulgated pursuant to NECPA.

The determination that the Assistant Secretary will make is whether there is an irreconcilable conflict between a State or local law or regulation and NECPA or the rules and plans promulgated pursuant to NECPA. This is the only criterion upon which a decision will be made.

Two comments questioned DOE's authority to supersede State and local law. This authority is provided in Section 220 of NECPA. Another commenter questioned DOE's authority to broaden NECPA's provision concerning conflict of laws to include conflict with rules or plans promulgated pursuant to NECPA. Such authority is necessary and appropriate under DOE's rulemaking authority to ensure adequate implementation of NECPA.

There was one suggestion that the enforcement of regulations affecting a utility be suspended in whole or in part until the petition and appeal processes are completed. DOE expects that all conflicts will be identified early in the planning process, so that the utility will not encounter any difficulties with enforcement. If a case were to arise where a utility after implementing its program found a conflict with a State or local law or regulation, it would be bound by the State or local law or regulation until the Assistant Secretary determined that the statutorily required conflict exists, at which point the State or local law or regulation would be superseded.

#### B. Definitions—§ 456.105

Most of the 255 comments addressing Section 456.105 of the Proposed Rule

were from utilities commenting on: 1) additional energy conservation measures; 2) furnace efficiency modifications (including fuel switching and heat pump utilization); 3) energy usage display meters; 4) closing vents, valves and doors in infrequently used rooms; and 5) clock thermostats and night temperature setback.

Definitions that are not discussed have not been changed or were not subject to major comment.

**Furnace Efficiency Modifications:** The definition of "furnace efficiency modifications" elicited 159 responses. Comments concerning fuel switching and heat pumps were categorized in this section. A diversity of opinions was expressed. The majority of commenters argued that in the interest of "improving combustion efficiencies of existing equipment" the Final Rule should not prohibit fuel switching. Many respondents, mostly electric utilities, suggested that heat pumps should be classified as replacement furnaces for all heating systems. However, several, mostly gas utilities, recommended that heat pumps be allowed to replace electric resistance space heating only.

The term "replacement furnace" has not been changed in the Final Rule. Only replacements of furnaces with the same fuel are required to be analyzed by the auditor. This would include heat pump (including water source heat pump) replacement of electric resistance heating. However, as discussed in Section IV S of this Preamble, a State may request inclusion of fuel conversion measures as State measures according to Section 456.319. DOE has not included fuel conversions as a national energy conservation measure in the Final Rule for the following reasons. Whether such conversions save oil or gas depends greatly on climate and other factors which vary substantially around the country. In particular, conversions from oil or gas to heat pumps may actually increase oil and/or gas consumption in some regions. To be consistent with NECPA's policy, DOE would have to analyze these various factors on a State-by-State, or utility-by-utility basis. Under the circumstances, DOE believes it is more appropriate that these replacements be considered by States according to their own needs and circumstances.

**Energy Usage Display Meters:** The exclusion of energy usage display meters as an energy conservation measure was suggested by several commenters. It was pointed out by one State agency that "the irritation of continually resetting it due to rate adjustments, will lead \* \* \* to consumer abandonment of the device."

Other respondents mentioned that the device has "no inherent ability, either thermally or mechanically" to reduce energy consumption. Limited commercial availability was another reason cited for proposing its removal. Two companies that manufacture these devices favored its inclusion and provided information concerning their products.

The "energy usage display meter" has been deleted from the Program for the time being, because sufficient data is not available to accurately predict their energy savings. Therefore, it is not possible to estimate savings of these devices in an audit. DOE is conducting a demonstration program for these devices and intends to include these devices in the Program if the completed demonstration generates sufficient data upon which to quantify energy savings.

#### **Clock Thermostats and Night**

**Temperature Setback:** Many commenters suggested that the term "setting back thermostats \* \* \* during sleeping hours" should be simplified to "night temperature setback," either manually or by automatic control device (clock thermostats). This includes lowering temperatures during the winter and raising them during the summer at night. Other commenters felt that this practice and measure should not be included in the Final Rule. The primary reasons given were that night temperature setback might increase KWH consumption and add to early morning peak load conditions, particularly in houses with heat pumps or other forms of electric space heating.

Clock thermostats have been retained as energy conservation measures. A number of studies have shown that the reduction of nighttime temperatures in winter is an effective way to save energy and money, regardless of the fuel source. For homes heated with electric resistance systems, nighttime temperature reductions could create load peaking problems, though no evidence was presented that such peaks currently exist. Under most current electric rate schedules, residential customers will save both kilowatt-hours and money through night setback. In the special case of heat pumps, as addressed below in Section X of this Preamble, DOE has found that customers who set temperatures back at night do save money and kilowatt-hours, though not to the same degree as those with other heating systems.

#### **Energy Conserving Practices:**

Commenters felt that the energy conserving practice of closing vents, valves and doors in infrequently used rooms should be deleted from the list of practices. The rationale for this

suggestion included comments that such a practice would "create an imbalance in the central system" leading to inefficiencies and equipment malfunction; with central air conditioning systems, such a practice could cause icing, refrigeration cycle damage, increased fan energy consumption and burning out of the motor; and with electric heating systems, such a practice could cause the coil to operate at higher temperatures and possibly burn out, and increase fan energy consumption. "Closing vents, valves, and doors in infrequently used rooms" has been deleted as a practice because this action might adversely affect furnace or air conditioner efficiency or safety.

The deletion of the \$20 limit in the definition of energy conserving practices was suggested because this limit will become unnecessarily restrictive over the life of the Program if price inflation continues at current rates.

The \$20 limitation on the cost of practices has been deleted because DOE believes that many important actions which cost more than \$20 and which ought to be brought to the customer's attention are inappropriate for the list of measures. One or two practices the cost of which exceeds \$20 have been added by DOE. The Governor may include other practices, subject to approval by the Assistant Secretary in the State Plan.

Each of the practices must be addressed in the Program Announcement and the audit.

**Additional Energy Conservation Measures and Practices:** Many additional energy conservation measures were suggested, not all of which met the seven criteria listed in the Preamble to the Proposed Rule. High energy efficiency appliances, both gas and electric, topped the list. The next most frequently mentioned additional measure was the use of wood as a source of fuel. In conjunction with wood-burning stoves and furnaces, increased use of fireplaces as heating sources was also suggested. Modifications to increase fireplace efficiency were suggested: glass doors, heat exchangers and caulking around flue openings and chimneys.

The following is a list of additional energy conservation and renewable resource measures which commenters mentioned: waste heat recovery devices for space heating, air conditioning and hot water systems; water heater heat exchangers, heat pump water heaters, active and passive solar water heaters, woodburning water heaters and an expanded definition of water heater insulation to include insulation kits and

board and loose fill insulation; various window treatments and shading, including thermal shutters, insulating curtains, drapes and shades, sunscreens, awnings, plastic shields, and shade trees and shrubs; increased insulation of hot water pipes; maintenance of heating and cooling equipment, including annual cleaning and tuning; replacement of gaskets on refrigerators and freezers and service policies for equipment; attic or whole house fans; appliance venting modifications; filter monitors; dehumidifiers; mercury or fluorescent lighting and light dimmers; plastic, solar or thermal swimming pool covers; and conventional electric heat pumps as well as water source heat pumps.

Few comments were received detailing State-specific additional measures. However, several respondents indicated that more flexibility should be granted to the States to allow them to more easily incorporate additional measures or practices into the State Plan.

One measure has been added to the list of energy conservation measures: replacement central air conditioners. This measure was found to meet the criteria for adding measures to the national Program. DOE has not found any evidence that existing manufacturing and installation practices for this product are inadequate to ensure safety and effectiveness.

The principal reasons that no other measures were added to the national Program are that the suggested additions would not save a substantial amount of energy on a national basis and that DOE has allowed States the flexibility to add those measures which they believe important and which meet DOE criteria (see discussion below). Three measures, however, deserve particular mention. Devices for heating water with the waste heat of air conditioners seems to be very effective in certain parts of the country with high air conditioning loads. DOE could not readily determine in which geographic locations this is true, though it appears that the locations are few. DOE encourages States with unusually high cooling needs to propose these devices as State measures in their State Plans.

The second measure deserving particular mention is the wood stove. The President has recommended incentives for the purchase of wood stoves, and DOE intends eventually to add them to the national RCS Program. However, the national and regional environmental effects of the use of wood stoves have never been examined in detail. Rather than delay implementation of the RCS Program while an Environmental Impact

Statement (EIS) is prepared for wood stoves, DOE has left these devices out of the Program until an adequate EIS is completed, at which point DOE will consider adding them.

The third measure deserving particular mention is the whole house fan. This device appears to be a cost-effective substitute for a central air conditioner. DOE has not found any problems with the safety or effectiveness of existing manufacturing and installation practices for whole house fans. However, DOE has not found an adequate procedure for estimating the savings of the whole house fan in a particular house. DOE therefore has been unable to determine whether these devices should be Program measures or to develop auditing calculation procedures for them. DOE will continue to work on these problems, and encourages States to propose the whole house fan as a State measure in their State Plans.

Most of the other suggestions for additional measures have been rejected for one or more of the following reasons: (1) safety or effectiveness standards are necessary but unavailable, as with furnace waste heat devices; (2) the application of the device in homes is limited or would produce very low savings nationwide, as with replacement refrigerator gaskets; (3) estimation of savings would be difficult for an auditor, as with shade trees or filter monitors; and (4) the principal purpose is not energy conservation or the use of renewable resources, as with dehumidifiers.

A few items have been incorporated into the list of practices rather than the list of measures because they are low-cost, can be installed by the homeowner, or are likely to last less than three years. These include curtains, drapes, shades and furnace and air conditioner maintenance. Awnings and sunscreens have been included as solar cooling devices. For two items, replacement fluorescent lighting fixtures and attic fans, adequate data as to their effectiveness was not presented. DOE is continuing its evaluation of passive solar water heating. Water source heat pumps are included in the same way other heat pumps are included, that is, as replacement furnaces in certain homes.

**State Measures:** One of the most frequent comments on the Program was that States did not have adequate flexibility to add measures to the Program which they believe to be particularly important. DOE has decided to add this flexibility to the Program to encourage Programs tailored to the particular needs of each State. As

mentioned above, we have found that many measures are beneficial only in particular States. Rather than make a State-by-State determination of the viability of dozens of measures, DOE has left these measures to State discretion. DOE encourages States to consider adding additional measures to their Programs subject to the criteria in Section 456.319 of this Final Rule. These criteria are discussed in detail in Section IV S of this Preamble.

**Renewable Resource Measures:** Comments concerning renewable resource measures included recommendations for additional measures, as well as requests for removal or redefinition of those measures identified in the Proposed Rule. A large percentage of the comments questioned the market readiness of specific renewable resource measures. Comments regarding the method DOE used in establishing the applicability of measures for specific geographic zones will be addressed in Section IV E of this Preamble.

DOE has retained in the Final Rule each of the renewable resource measures listed in the Proposed Rule with the exception of roof ponds. DOE analysis indicates that all of the remaining measures are cost-effective and viable in at least some parts of the country. Standards for these measures have been incorporated in this Rule or are being proposed for comment. In addition, Congress clearly intended to incorporate renewable resource measures as an integral part of the RCS Program.

**Passive Solar Measures:** DOE received only a limited number of comments specifically addressing definitions of those passive solar measures identified in the Proposed Rule. Two commenters recommended broadening the proposed definition of Passive Solar Space Heating and Cooling Systems.

The State of Georgia recommended that the proposed definition was too limited inasmuch as some "passive" solar systems utilize mechanically forced energy transfer. The commenter further recommended that DOE adopt the definition of this measure as given in the *First Draft Model Document for Code Officials on Solar Heating and Cooling of Buildings*. Similarly, the National Bureau of Standards (NBS) recommended that DOE revise the proposed definition by removing the specific four subcategories of passive measures, thereby considerably expanding the scope of the definition for the purposes of the RCS Program.

DOE recognizes that the definition of this measure as given in the Proposed

Rule was narrowly drawn. DOE recognizes that the proposed definition is more limiting than that given in the Model Document. DOE notes that the Model Document is undergoing a series of revisions, and the definition of this measure in the second draft has been substantially modified. DOE considers it unnecessary to broaden this term since, in the Final Rule, States may add measures which are applicable to their jurisdictions.

DOE agrees with the comment that "passive" measures may use mechanical means of heat transfer. As discussed in the Preamble to the Proposed Rule, DOE does not intend to exclude such systems.

Roof ponds were identified in the Proposed Rule as passive solar space heating and cooling systems. DOE has decided to drop roof ponds from the list of passive measures in the Final Rule. This is not meant to imply that such techniques are not cost-effective, but only that DOE believes that they are inappropriate for the Program. These systems do not satisfy Program criteria since the techniques are restricted to particular climates in the southern latitudes and are not generally applicable to residences with pitched roofs. Moreover, their inclusion is inconsistent with DOE's decision to simplify the audit and reduce the required qualifications for the auditor. A satisfactory audit for these systems would require an extensive assessment of roof structural capacity, complicate the auditing process, and thus unduly increase audit costs.

A great number of commenters suggested the addition of various methods of reducing heat gain through windows. These suggestions included techniques such as solar screens or window awnings, window shades, roof overhangs, etc. Numerous other commenters suggested additional devices such as insulating shades or reflective window films.

In response to these many positive and constructive comments, DOE has added "Window Heat Gain Retardants" to the definition of passive solar measures. In defining this measure, DOE has attempted to incorporate as many of the recommendations as possible but does not include every device potentially applicable to this type of passive solar.

With respect to those recommendations not included within this expanded definition, DOE either (a) has not been able to establish the national applicability of the recommendations or (b) has concern as to the need for standards to ensure adequate performance over the anticipated lifetime of the product. DOE

wishes to note, however, that under the provisions regarding designation of State measures, interested States may wish to recommend addition of devices as separate State measures.

For those devices included within the definition of Window Heat Gain Retardants, DOE is now convinced that incorporation will result in substantial energy savings; that the Model Audit under development by DOE will be capable of computing reasonable estimates of costs and savings; and (commensurate with the decision regarding standards for passive solar devices) that specific RCS standards are not required.

**Additional Renewable Resource Measures:** Numerous commenters suggested that additional renewable resource measures be added to the Program. The most frequent suggestion was for the addition of wood burning stoves for space heating and hot water. Representatives of the States of Arkansas, Michigan, and Vermont, as well as the Missouri Public Service Commission, favored the addition of wood burning stoves. They were joined by several advocates for low income homeowners who pointed out the apparent economics of this renewable energy source. Wood stoves are addressed above under "Additional Energy Conservation Measures."

DOE received a number of comments recommending that solar assisted heat pumps be incorporated into the Program as a renewable resource measure. Although DOE is funding further development of these devices, DOE cannot currently conclude that solar assisted heat pumps meet the criteria established for designation of Program measures. Further, DOE does not have a model audit which provides reasonable estimates of the costs and savings associated with solar assisted heat pumps under the diverse climatic and load conditions existing throughout the country. Finally, DOE has not been able to complete its deliberations with respect to whether standards are necessary for installation and efficient operation of these systems. Therefore, DOE does not, at this point, include these items in the RCS Program. DOE will continue its research into these matters and may reconsider this decision at some future time. In the interim, DOE encourages the States to consider the merits of solar assisted heat pumps as potential State measures under the market and environmental conditions present in their jurisdictions.

Several commenters suggested the addition of pool covers as a measure; one proposed the technique of painting the bottom of the pool with black paint.

DOE acknowledges that these techniques could provide substantial savings in fuel costs to the consumer. However, technical questions have been raised concerning performance degradation due to self-adherence of panels and panels becoming coated with algae, thereby losing transmissivity. Other questions have been raised concerning flammability of the polyethylene materials used for some covers when stored in rolls. DOE was unable to identify any proposed or final safety standards for pool covers to assure avoidance of these potential problems. DOE is also examining methods to audit for these techniques that substantially account for heat gain through the cover, the influences of reduced evaporative losses, and the broad variety of materials and material characteristics (such as thicknesses and opacity) which are applicable to these devices.

Although DOE is not currently able to establish pool covers as a national measure, DOE encourages interested States to consider the addition of pool covers, and allied techniques, to their State Plans as State measures for those residences having swimming pools currently heated by nonrenewable resources.

Several commenters suggested the addition of low-head (residential) hydro power systems to the Program. This technology is generally applicable in rural areas not serviced by the larger utility companies that are required to implement the RCS Program. DOE is funding the continued development and demonstration of this technology. This research addresses the legal and environmental issues relating to access to streams and the potential for environmental damage. These issues are difficult to consider during the course of an audit. DOE may consider adding this technology to the RCS Program at a later date.

**Program Warranty:** The definition of Program warranty was felt to be incomplete. Commenters suggested that it be stated explicitly that "warranty" meant the manufacture's warranty, or sometimes, the contractor's warranty—not a warranty from the utility company—in order to lessen utility liability. The three year provision was felt to be too long a period of time. It was suggested that the time period be limited to one year. Possible conflicts with the Magnuson-Moss Warranty Act were cited.

The term "Program warranty" has been changed to "measures warranty", and has been changed to clarify that it is a manufacture's or contractor's warranty, not that of a utility or the State. For

those measures or types of measures which are composed of a variety of products which are not sold as a system by a manufacturer and which are assembled by a retailer or an installer, the retailer or installer is considered the manufacturer, as was described in the Proposed Rule.

In adding a contractor's warranty to the definition of "measures warranty," DOE does not intend to create any burden or involuntary requirement on contractors. To the contrary, this addition is solely to aid contractors who wish, for whatever reason, to utilize a type of measure which the manufacture will not warrant for three years. Under this circumstance, the contractor can still install the type of measures under the RCS Program, if he is willing to warrant it himself for the three year period. In addition, if a manufacturer warrants a measure for one year, the contractor could warrant it for an additional two years.

Nothing in this definition requires a contractor to further warrant a program measure which a manufacturer has warranted for three years.

The term of the measures warranty remains at three years DOE recognizes that this may increase some products costs, particularly for those systems assembled by a retailer or installer as described above. However, NECPA clearly indicates that the manufacturer's warranty must be for a useful life of three years.

DOE has examined the possibility of conflicts with the Magnuson-Moss Warranty Act and believes that there are none.

**Eligible Customer:** Variations for the definition of eligible customer were suggested in the comments. It was suggested that an eligible customer be defined as simply an occupant of a metered residence, thereby including tenant- and multi-family occupied dwellings. Others wanted a distinction drawn between tenant- and owner-occupied residences. Utility companies felt that it would be extremely difficult to distinguish between the two. Some commenters suggested that renters should have the landlord's approval before applying for an audit or even receiving a Program Announcement. One commenter suggested an "eligible customer" be defined as a "customer with a 12-month billing history." Another question whether customers who had not paid their bills would still be considered eligible.

The term "eligible customer" has been modified to clarify that it includes owners or tenants who directly receive the bill from the utility or home heating supplier for fuel. The term includes

landlords who receive the fuel bill from a utility or home heating supplier and excludes tenants who do not directly receive the fuel bill.

**Energy Audit:** In the definition of "energy audit" in the Proposed Rule, deletion of the phrase "on-site inspection" was requested. This would allow Class B audits, which many respondents favored, to be offered by the program.

Two new terms, "Program audit" and "Class B energy audit" have been substituted for the term "energy audit." The Program audit is an energy audit in which the estimates of cost and savings are based on an inspection of the residence of an eligible customer by an auditor qualified according to a State Plan. A Class B energy audit is a procedure for providing estimates of the costs and savings of energy conservation and renewable resource measures which are based on information provided by the customer, generally through the mail. This term is not the same in all respects as the definition of "Class B information audits" in the supplemental State grant program established by the Energy Conservation and Production Act (Pub. L. 94-385). Both terms assume that the cost-savings estimates are based on measurements taken by the customer and sent to the auditing organization. However, the supplemental State grant program has further requirements for Class B audits which do not apply in the RCS Program. We have use the term only because it has developed a common usage with which most utilities and States are familiar.

The creation of a new term "Program audit" in no way reduces the requirements for the offer of on-site inspections as part of the RCS Program, but merely allows a utility or home heating supplier to also offer a Class B audit to eligible customers in conjunction with the RCS Program. The prohibition against preconditioning an on-site audit on any other audit is retained in the Final Rule.

**Floor and Perimeter Insulation:** Several commenters suggested that floor and perimeter insulation should be defined separately since different insulation materials and installation techniques were called for.

DOE has not separated these items in the definitions, since, in general, the applications of these materials are similar but typically only one of these items is applicable in a given residence.

**Covered Utility:** Clarification of "covered utility" was sought. The definition in the Proposed Rule provided that sales of natural gas or electricity by a utility to industrial customers are to be



included in the sales total, and it was suggested that residential sales rather than total sales should be the factor determining whether a utility is included in the RCS.

The definition of "covered utility" is the same as that in the Proposed Rule. Although this definition includes some utilities with rather small residential sales, it is the same as that in NECPA. DOE does not have authority to change this definition. Utilities with total sales less than 750 million kilowatt-hours or 10 billion cubic feet of gas are not covered by NECPA or by our Rule. A State may choose to include such utilities in a State Plan if the State has authority to do so, but they would not be subject to DOE review or enforcement.

### C. Utility Liability—§ 456.106

In response to numerous requests from utilities that their liability under the RCS Program be limited, DOE has added Section 456.106, Utility Liability, which incorporates the language in the Conference Report regarding utility liability. In including this language, it is not DOE's intent to override contrary State law. Rather it is to make clear and restate Congress's intent that utilities, solely by reason of their project manager role, should not be considered responsible for the actions of suppliers, installers, or lenders with whom the utility arranged Program services. Moreover, by including this statement with regard to utility liability, DOE does not mean to suggest that utilities or others involved in the RCS Program should be held liable in other circumstances. DOE has included home heating suppliers in this liability statement because of their equivalent role as project manager.

### III. Subpart B—Procedural Requirements for State Plans

Section 456.202 of the Proposed Rule required that, if the State intends to submit a State Plan, then the Governor or State agency specifically authorized by State law to submit a State Plan must inform the Secretary within 30 days of promulgation of the Final Rule of the name and address of the State agency which will have principal responsibility for the development of the State Plan.

Thirty-seven comments were received regarding the initial submission procedures detailed in Section 456.202. The Iowa State Commerce Commission recommended that the Governor have the option to designate two lead agencies with separate functions. The National Association of Regulatory Utility Commissioners requested that any technical assistance material provided to a State lead agency be

provided to the regulatory authority as well, where the regulatory authority is not the lead agency.

DOE feels that the designation of a single lead agency in a State allows a more unified State Plan and more effective dispersal of technical assistance to the agencies that are responsible for developing the State Plan and has retained the term "lead agency" in the Final Rule. DOE recognizes the valuable input that would be derived by effective coordination between the lead agency and the State regulatory authority where the regulatory authority is not the lead agency. This is more fully discussed below.

Section 456.202(b) of the Proposed Rule reflected DOE's interpretation that, if the Governor includes any nonregulated utilities in the State Plan, then the Governor must include all of them.

At least 14 nonregulated utilities and State agency representatives expressed concern over this interpretation. Commenters saw this provision as limiting the flexibility of the Governor to design an effective plan and respond to State-specific circumstances. Several nonregulated utilities requested that the Rule provide that nonregulated utility participation be at the option of the utility. One nonregulated utility testified that the Proposed Rule as written would require inclusion of non-covered nonregulated utilities in the State Plan along with covered utilities. Three commenters requested that the Governor's option to include nonregulated utilities be removed altogether. The State of Oregon Department of Energy requested that the Rule require Governors to include in their State Plans those nonregulated utilities desiring inclusion in the Plan.

NECPA provides that the State Plan may, at the discretion of the Governor, apply to nonregulated utilities in the State. In light of the comments received from both nonregulated utilities and State agencies, DOE has reconsidered its interpretation of this provision of NECPA. The Rule has been altered to allow the Governor to include selected nonregulated utilities in the State Plan. Inasmuch as NECPA explicitly grants the Governor the discretion whether or not to include nonregulated utilities, DOE does not believe it would be appropriate to place conditions on this discretion. DOE hopes, however, that Governors will consider the wishes of the nonregulated utilities. DOE admits that the Proposed Rule as written could be interpreted to require that non-covered nonregulated utilities be included in the State Plan. This was not

the intent and the Final Rule has been clarified.

Two commenters, pointing to a large conservation potential in oil-heated residences, requested that home heating suppliers' participation in the State Plan be required or encouraged. On the other hand, one commenter stated that it was inappropriate for the regulations to suggest that the Governor may require home heating suppliers to participate. In addition, one commenter recommended that no time limits be placed on the Governor to indicate whether home heating suppliers would be included in the State Plan.

DOE strongly encourages home heating supplier participation in the RCS program, particularly in those States where a large number of residences are heated by oil. However, NECPA reserves the decision on inclusion of home heating suppliers in the Plan to the Governors. Moreover, the home heating suppliers are not required to participate, but do so on a voluntary basis. For effective planning purposes, the time requirement relating to inclusion of home heating suppliers in the State Plan has been retained. However, because a State Plan may always be amended by a State pursuant to the procedures in this Subpart, an initial decision not to include home heating suppliers could later be changed.

Section 456.203 of the Proposed Rule contained two requirements for coordination in the development of the State Plan. Subsection (a) required the lead agency to coordinate the Plan with neighboring States that have jurisdiction over any covered utility or participating home heating supplier subject to the Plan. Subsection (b) required the lead agency, if such agency was not the State regulatory authority, to provide a copy of the Plan to the regulatory authority 30 days prior to the public hearing required by Section 456.204.

There was testimony that coordination among States would be burdensome for the State; there was more testimony that the requirement was insufficient. For example, three witnesses requested that there be provision for DOE to intercede where a utility is covered by more than one State Plan requiring different utility programs. One commenter requested that the Rule require each State Plan to describe how its Plan will interface with Plans of adjoining States and to describe what steps have been taken to assure that there will be no conflict between the lead agency and the regulatory authority.

Several regulatory commissions suggested that the Rule require mandatory coordination with the

regulatory authority where the regulatory authority is not the lead agency. The National Association of Regulatory Utility Commissioners suggested that the Rule require that the lead agency secure the approval of the regulatory authority before submitting a State plan. Four utilities requested that the Rule require the lead agency and regulatory authority to agree on general policy prior to Plan submittal.

In every State, regardless of who is the lead agency, the State regulatory authority will have a significant role to play in the implementation of utility programs. The purpose of § 456.203 of the Proposed Rule was to underscore DOE's interest in cooperation among States and between State agencies in Plan development. This requirement remains intact in the Final Rule. The means by which a State effects coordination and resolves differences between State agencies is appropriately left to the State and should not be imposed by DOE.

In addition, at least two utilities requested that the lead agency be required to submit copies of the State Plan to utilities as well as the regulatory authority prior to the public hearings on the Plan. There was one suggestion for mandatory coordination with utilities. Four commenters suggested allowing or requiring comments of utilities to be submitted in conjunction with the State Plan.

The utility, being the primary instrument of the RCS Program, should be involved in Plan development. The level of this involvement is most appropriately determined on a State-by-State basis. The Rule does require that the Plan be available for all interested persons 30 days before the hearing. Also, the Rule as written does not prohibit any entity from submitting comments on a State Plan. It does not seem necessary that comments on the State Plan be a requirement.

Section 456.204 of the Proposed Rule detailed minimum requirements for the lead agency in providing notice, comment, and public hearing on the State Plan prior to its submittal.

One commenter described the requirements for notice, comment, and public hearing as too prescriptive. Another commenter suggested that the notice requirement be expanded. Several commenters suggested that there be public hearings at different locations throughout the State, to increase the public participation in the planning process. There was suggestion that the notice time be extended, and that there be notice in the media in languages appropriate to a locality. Several commenters requested

clarification as to the hearing requirements for revised or modified Plans. It was specifically recommended that there not be a hearing requirement for minor Plan modifications. One commenter sought clarification as to whether the hearing was an evidentiary hearing.

DOE expects that the lead agency will consult with utilities, home heating suppliers, contractors, and consumers early in the planning process. NECPA allows only six months for the States to submit their Plans, and DOE has decided not to prescribe the number of hearings or the groups to be consulted in any more detail than in the Proposed Rule. States, of course, have the flexibility to expand the notice and comment activity and respond to circumstances at the local level. DOE agrees that hearings on minor Plan modifications made after initial disapproval of a State Plan are not necessary. DOE will decide, based upon the type and extent of the Plan changes, whether hearings are necessary and will so instruct the States. NECPA, however, requires public hearings and comments on all changes to an approved State Plan. The hearings required are public hearings held for the purposes of receiving public comment. They are not evidentiary hearings.

Section 456.205 of the Proposed Rule detailed procedures for submission and approval of State Plans. Included in these procedures was a requirement that State submit Plans within 180 days of promulgation of the Final Rule.

Numerous commenters testified that 180 days are insufficient for Plan development and submission, especially considering coordination difficulties that may be encountered. The requirement for submittal within 180 days is contained in NECPA. However, by making the effective date of the Final Rule approximately one month after publication, DOE has attempted to provide additional time for States to develop Plans.

Section 456.207 of the Proposed Rule contained a few provisions necessary to clarify the role of the TVA in the RCS Program.

Several utilities in the TVA service area commented about duplication of effort involved in the preparation of State and TVA Plans and utility programs that implement those Plans.

Some requested that utilities subject to the TVA Plan, should TVA choose to submit a Plan, be covered only by that Plan. NECPA provides that utilities subject to the ratemaking authority of TVA are subject to TVA's plan, not a State Plan. With respect to utilities some of whose rates are subject to TVA and

some of whose rates are subject to a State regulatory authority, we have provided that in TVA's discretion these utilities may be included only in TVA's plan.

Section 456.208 of the Proposed Rule contained requirements for submission and approval of temporary program requests, requests which if granted would exempt one or more utilities from some of the requirements of the provisions of Subpart C of the Rule. Included in these requirements was provision for submittal of a request within 180 days of promulgation of the Final Rule. The Proposed Rule stated that the Secretary may approve such a request for a period of time not to exceed three years. There was also provision of the Secretary to approve or disapprove such a request within 90 days.

Several comments pertaining to temporary programs were received. A number of commenters requested that DOE liberally approve temporary programs to allow on-going programs to continue and to allow utilities and States more time to bring their programs in compliance with all the requirements of the Rule. Some objected to the three-year limitation on temporary programs. One commenter pointed out that the 180 day requirement for a temporary program request precluded the opportunity to request a temporary program approval in the event that a State Plan is not approved. There were also requests to allow equivalent programs as a permanent substitute for the program outlined in the Rule.

Approval of temporary programs and the time that they may be in force will be considered on a case-by-case basis. The three year limitation is contained in NECPA as is the 180 day submission requirement for temporary program requests and therefore cannot be changed in the Rule.

The intent of Congress was clear in its requirement that existing programs ultimately be changed to comply with the RCS Program.

DOE wishes to point out that requests for temporary programs can be made for specific elements of a State or nonregulated utility Plan (e.g., listing) or for entire programs. Requests may also be made with respect to a particular utility under the State Plan or for all utilities.

Nonregulated utilities objected to needing the approval of the Governor to propose a temporary program. Nonregulated utilities not included in a State Plan need not secure the approval of the Governor to propose a temporary program. Nonregulated utilities included in a State Plan must secure that



approval. This is required by NECPA. There was one request that the Secretary approve or disapprove a program within 30 days, in contrast with the 90 day provision of the Rule. NECPA provides for approval or disapproval within 90 days, and this provision remains intact in the Final Rule.

#### IV. Subpart C—Content of State Plans

##### A. Additional Requirements by States and Existing Conservation Programs—§ 456.301

There were a few comments concerning States adding requirements to the requirements of this Rule. The South Carolina Office of Energy Resources submitted that the provision for States to add further requirements is too vague and general. Carolina Power and Light recommended removing the State's option to impose additional requirements, citing the potential for increasing the cost of the Program.

Several persons commented that ongoing programs should serve as the nucleus for the RCS Program or that such programs should substitute for the RCS Program.

Since the RCS Program is a State-administered program, DOE feels that the State must have the authority to add requirements it feels are necessary to respond to State-specific circumstances and to achieve State goals for energy conservation. DOE intends that this provision be interpreted broadly to provide the maximum opportunity for a State to fashion its own program.

NECPA does not exempt existing programs from compliance with its provisions. Existing programs (unless they are approved as temporary programs [see § 456.208]) may have to be changed to bring them into compliance with NECPA and these Rules. DOE recognizes the many and varied accomplishments that the utilities and States have made in their programs, and hopes that the valuable experience that has been gained will be put to use in the RCS Plans and Programs.

##### B. Investigation and Enforcement—§ 456.303

Several State agencies commented that they may not have adequate authority to enforce State Plan provisions, and cannot specify when legislation providing such authority will be passed. Problems with authority fragmented among several agencies were also raised. The Denver Office of Energy Conservation requested that States have the flexibility to use existing enforcement mechanisms or to contract for investigation. Three commenters requested that States have the flexibility

to achieve voluntary compliance by utilities with the State Plan. The State of North Carolina commented that DOE should extend to the State its authority to invoke civil penalties.

Responsibility for enforcing a State Plan rests with the State. Section 213(a)(1) of NECPA provides that no State Plan shall be approved by the Secretary unless it contains "adequate State enforcement procedures." The Conference Report emphasized that enforcement of the State Plan is a State responsibility and that State Plans should contain adequate enforcement procedures before being approved by the Secretary.

The Final Rule provides flexibility for the State in designing a means of enforcing the State Plan. However, the State must show that its proposed enforcement procedures are adequate and fully capable of implementation. For example, if the State decides to delegate enforcement responsibility over some or all utilities to a local municipality or a State Regulatory Authority, it must state its reasons for delegating the responsibility, the legal authority of the municipality or Authority for carrying out enforcement of the State Plan, the resources which will be made available by the municipality or Authority, what the State considers to be adequate enforcement, and what oversight the State will exercise with respect to the actions of its delegate.

The State must explain whether the State Plan will be legally enforceable through existing State law or what legislation the State proposes to make the State Plan enforceable, and when passage of such legislation is anticipated, or what alternative form of enforcement, including voluntary compliance, it intends to utilize. The State must also describe the interrelationship among existing and proposed State and local laws which may affect the enforcement of the State Plan and explain how these laws will be enforced so as to be consistent with the enforcement of the State Plan. NECPA provides DOE the authority to invoke Federal Standby and implement a Federal RCS Program in States where a State Plan is being inadequately implemented. DOE cannot delegate this authority.

However, DOE recognizes that some States may have difficulty in stating when legislation providing appropriate authority will be passed. In such cases, voluntary compliance may suffice while legislation is being sought. In such circumstances, DOE would expect the State to obtain adequate assurance of voluntary compliance with the State Plan, to exercise close oversight to

ensure compliance, and to report quickly noncompliance to DOE.

Nonregulated utilities objected strongly to the establishment of any State authority over the nonregulated utility. They felt that establishing any authority over the nonregulated utility is a form of regulation by the State.

NECPA provides that the inclusion of covered nonregulated utilities in a State Plan is at the option of the Governor. However, the Conference Report is clear as to the conferees' intent with regard to State regulation of nonregulated utilities. It was Congress's intent not to permit the Governor to regulate the rates of nonregulated utilities by reason of their inclusion in a State Plan. NECPA is also clear as to the requirement for adequate State enforcement procedures. DOE anticipates that, in exercising their option regarding inclusion of nonregulated utilities in the State Plan, Governors will take this requirement into consideration.

Several commenters requested that the petition concerning conflict of laws be voluntary rather than mandatory. One requested that the petition be made to a State authority rather than the Secretary in the event of a conflict.

Section 220(2) of NECPA states that NECPA does not supersede any State or local law or regulation except upon a determination of the Secretary that a conflict exists.

The legislative history of NECPA indicates there was concern that, because of the scope of NECPA and its mandated RCS Program, many areas of State and local law might be affected. Section 220 of NECPA was, therefore, intended on the one hand to assure that NECPA would not supersede any State or local laws or regulations unless the conflict between them was irreconcilable, and on the other hand to require that determination of irreconcilability be made by the Secretary rather than by the various State officials or utilities. Section 220 of NECPA provides that such determinations will be made upon petition of a covered utility because it was believed that, as the action agents of the RCS Program, those utilities would identify and be most affected by conflicts between NECPA and these regulations and State and local laws and regulations.

The drafting of Section 220 of NECPA does not make explicit that utilities must petition the Secretary when they believe a conflict exists, but the legislative history is clear that there was no intent to allow utilities to avoid the mandates and prohibitions of NECPA or rules or Plans promulgated thereunder by merely failing to petition and then claiming they

are bound by State or local law or regulation. Accordingly, in § 456.303(b) of the Proposed Rule, DOE required State Plans to require utilities subject to a Plan to petition the Assistant Secretary whenever they believe State or local laws or regulations directly conflict with their duties and prohibitions under NECPA.

Nonregulated Utility Plans must contain the same requirements for the nonregulated utility, and any Plan issued under Federal Standby Authority will contain the same requirement. DOE believes such a requirement is necessary to assure that NECPA is adequately implemented, and has not changed § 456.303(b) in the Final Rule.

#### *C. Exemptions and Waivers for Utility Supply, Installation and Financing—§ 456.304*

Section 456.304 contains some procedural requirements related to utility supply, installation, and financing. Few commenters chose to address these provisions.

Regarding utility financing activity, some utilities expressed concern that the requirement for "fair" interest rates could prohibit zero interest financing activities. Utilities installing some measures at no cost to the consumer as part of the audit had similar concerns. Some felt that these requirements are redundant considering the listing requirements. At least one utility expressed concern that its financing activity might have to be expanded to include other measures.

In addressing "fair" interest rates, DOE notes that the conferees intended that the term "reasonable prices and rates of interest" be interpreted as a "ceiling" rather than a "floor" for such prices and interest rates. The conferees fully intended to allow interest rates below those prevailing for loans. DOE intends that zero interest financing programs by utilities be allowed to continue. Similarly with "fair" prices, DOE considers that free supply or installation of measures complies with requirements of this Section. The concern with both prices and interest rates is abuse in terms of excessively high prices and rates that might be charged by utilities because of their lead role under the Program, rather than artificially low prices and rates. The requirement not to discriminate unfairly among measures is not meant to imply that a financing program must be expanded beyond its present scope. In fact, the expansion of utility financing programs as related to measures is explicitly prohibited.

The Columbia Gas Distribution Companies expressed concern that

procedures to insure fair prices and interest rates may be in conflict with Federal antitrust laws. The Public Utility Commissioner of Oregon supported DOE's non-prescriptive treatment of fair prices and interest rates. On the other hand, the Massachusetts Office of Energy Resources requested guidance in judging anticompetitive behavior.

DOE feels that determination as to fair prices and interest rates is best done on a case by case basis and declines to specify what considerations must be made in such a determination. DOE does not feel that a review of prices and interest rates by the State is a violation of antitrust laws.

#### *D. Scope of Benefits—§ 456.305*

The Proposed Rule stated that eligible customers would be entitled under certain circumstances to the following benefits: a Program warranty, guarantee of compliance with standards, enforcement of these standards through post-installation inspections, billing of services, and access to the conciliation conference to resolve disputes. At a minimum, all benefits were to be available when installation was arranged, with billing services and the conciliation conference available when financing was arranged.

There were 31 commenters who discussed the benefits section specifically. Nearly two-thirds (20) of the comments received came from utilities, while the next largest group (7) of commenters was State agencies. Other comments came from public interest groups, a private citizen, and a contractor.

Seven commenters strongly recommended that the entire benefits section be deleted. One utility recommended deletion of Part (b), which describes when benefits take effect. The reasons advanced for these recommendations varied widely.

Several utility representatives suggested there is no statutory basis in NECPA for the section, while another utility (the Minnesota Gas Company) suggested that the necessary issues are adequately covered elsewhere. Also, several utilities were concerned that the benefits section exposed them to liability problems.

DOE disagrees with commenters who recommended deletion of the scope of benefits section or paragraph (a). Four of the five benefits listed in paragraph (a) are requirements of NECPA, and the fifth, post-installation inspections, is a requirement needed to ensure compliance with the program's installation standards. Consequently, DOE has retained § 456.305. However, DOE has changed this Section

somewhat to clarify what the actual benefits are.

Moreover, DOE has corrected its Proposed Rule requirement that the warranty apply to caulking and weatherstripping. NECPA does not require a warranty for caulking and weatherstripping, and the Final Rule reflects this exclusion from the warranty requirement.

Many of the commenters requested some alteration or clarification of the rule as to who should be eligible for the benefits and when these benefits should take effect. The Federal Trade Commission expressed concern that consumers would be confused about when the benefits would be available to them. According to several commenters, benefits should be available to all customers who take advantage of the lists of contractors and lenders distributed by the utilities for any kind of installation or financing. One State agency (Colorado) specifically requested that benefits be extended to customers who do *not* use the arranging services.

Two utilities wanted to make benefits contingent upon the customer's requesting and receiving an audit. One of them suggested that the benefits should attach when the customer has received an identifiable list of contractors and lenders. The American Gas Association had two major concerns: (1) that additional requirements not be imposed by the State or DOE on eligible customers in order for them to be entitled to benefits, but on the other hand, (2) States should not be allowed to offer eligible customers additional benefits not originally required by NECPA.

DOE agrees that there may be some confusion for consumers in understanding when the benefits are available to them. However, by requiring an explanation in the Program Announcement of when and how a customer can be eligible for the benefits, and by keeping the benefits as a package which are all available when the customer takes a specific action (i.e., "arranges" through the utility or home heating supplier), DOE believes it has taken every reasonable step in avoiding consumer confusion.

DOE has established only the minimum level at which benefits are available (i.e., arranging); States could expand the number of customers eligible for benefits by setting coverage at a different level (e.g., every customer receiving an energy audit). DOE believes the flexibility for States to expand the coverage of the benefits should continue, and the Final Rule reflects no change in this flexibility. If States, using State authority, want to add benefits to

the RCS Program, neither NECPA nor the Final Rule prohibits such a State action.

NECPA requires that the following benefits be available to customers who purchase measures from suppliers (such as hardware stores or lumber yards): listed by the State; the measures warranty; materials which comply with standards; and access to a conciliation conference. Also, any eligible customer who obtains a loan to purchase materials from such suppliers must be allowed to repay this loan with the utility bill, if the lender agrees. DOE has corrected the Final Rule to reflect the availability of these benefits.

Section IV S of this Preamble discusses the scope of benefits for State measures included by a State or nonregulated utility not included in a State Plan.

#### *E. Program Measures and Categories of Buildings*

Over 200 comments were received regarding suggested measures and categories of buildings, the majority of which were made by utilities, with State agencies and contractors also commenting.

NECPA requires DOE to identify the suggested measures for residential buildings, by climatic region and by categories determined by the Secretary on the basis of type of construction and any other factors the Secretary deems appropriate. DOE published in Appendix I to the Proposed Rule tables of measures suggested for residential buildings and in the various climate zones. The Proposed Rule required that these measures be included in the Program Announcement and be considered during the on-site audit.

Many commenters objected to calling these measures "suggested," fearing that customers would be misled into thinking that the measures were appropriate for their residences where in fact they might not be appropriate. Also, many commenters criticized the particular measures DOE selected—in some cases because the measures were underinclusive and in some cases because they were overinclusive—because they did not wish to "suggest" the measures selected by DOE.

DOE has replaced the term "suggested measures" with the term "Program measures." This change eliminates the implication that any measure is recommended for installation in a particular home by DOE, the State or the utility solely because of its inclusion in the Program. The purpose in specifying the Program measures in Appendix I is to define the minimum list of measures which must be addressed in the Program

services, such as the Program Announcement, the audit, and the lists of contractors. DOE does not require any State or utility to recommend any Program measures, but only to provide information and services about them.

Subsection 456.306(c) states that the categories of buildings in this section are the same as those in Appendix I for Program measures. DOE wishes to point out an important area of flexibility for States and utilities in combining or separating these categories. The principal purpose of the categories in the Program is to specify the list of measures which are appropriate for a customer's house. Each customer must see savings in the Program Announcement for the list of measures which is appropriate to his or her house. However, the Program Announcement need not actually use the same terms or present the same categories to the customer as are found in the Rule. For example, if the list of Program measures in a State is identical for the categories "gas" and "oil," the Program Announcement could present these as one category. Or, in an area where many houses are heated with propane and butane, the category "gas" could be split into two categories for "natural gas" and "propane or butane." Savings estimates could then be presented for typical buildings in each category to clearly show any differences in savings for these fuels.

Section 456.306(a)(2) has been modified to conform to NECPA and to clarify that savings must be shown for a "typical building or buildings in such category." Substantial flexibility also exists here in how these savings may be displayed. For example, in many States, homes which are heated with natural gas (and which are therefore in the category "gas") could be split into two subgroups depending on whether they have central airconditioning or not. Though the list of Program measures must be identical for these two subgroups, different savings could be shown for each. That is, savings for a typical airconditioned house could be shown in one column and savings for a typical house without airconditioning in another column. Many similar examples exist, and DOE encourages States and utilities to design that presentation of savings which they believe will be most effective, within the minimum requirements.

As with other terms in the Rule, e.g., the Program Announcement, the Program audit, etc., the term "Program measures" need not appear in any materials received by customers. In *marketing the RCS Program, States and*

*utilities have flexibility in the choice of their terms to make the Program as attractive as possible.* Of course, whatever terms are used, the requirements of NECPA and this Rule apply.

**Renewable Resource Measures.** Respondents suggested that the decision regarding inclusion of active and passive solar systems and wind systems as Program measures not be made at the national level, but be left to the States. It was suggested that these measures should only be included in those geographic areas that a State believed would benefit from it. Commenters from the States of Pennsylvania, Missouri and Iowa wanted solar and wind systems deleted from their lists of Program measures, saying that these systems are not cost-effective in their States. Oregon wanted solar domestic hot water systems and wind energy systems as Program measures for its State, and Vermont wanted active solar space heating as a Program measure in its State.

Many commenters addressed wind systems. Most of the comments regarding the appropriateness of wind systems were offered by gas and electric utilities and State Energy Offices. The 40% enhancement of NOAA wind data used to evaluate the cost-effectiveness of wind energy as discussed in the Proposed Rule Preamble was described as excessive and unjustifiable.

The appropriateness of solar domestic hot water applications for several specific regions was also questioned by several utilities, with some protesting its inclusion on its list, and others suggesting its inclusion where it was not on its list. The Congressional Office of Technology Assessment also questioned the appropriateness of several elements of the DOE evaluation procedures, arguing for solar in more areas.

In response to comments, DOE has re-examined each step in its applications assessment leading to the inclusion of renewable resource measures in the measures subject to audit. The solar insolation and other climatic data were examined for completeness and accuracy; the costs of typical solar systems were re-calculated on a regional basis; details of the analysis procedures and economic model were also reconsidered.

On the basis of this reassessment, each of the generic renewable resource measures determined to be applicable for the RCS Program in the Proposed Rule has been retained in the Final Rule.

Solar domestic hot water is an established technology, generally available, and regulated by established standards. Solar space heating systems

are also well developed as products and regulated by established standards. Passive solar systems and retrofit swimming pool heaters are in common use in some geographic regions. Finally, residential wind system technology continues to advance, largely in response to DOE development and demonstration programs. Moreover, as a result of a re-assessment response to public comment, DOE believes the wind industry is capable of meeting the increased demand that is anticipated to result from the RCS.

The six renewable resource measures considered were:

- Passive Solar Space Heating and Cooling Systems
- Active Solar Space Heating Systems
- Combined Active Solar Space Heating and Solar Domestic Hot Water Systems
- Replacement Solar Swimming Pool Heaters
- Solar Domestic Hot Water (DHW) Systems
- Wind Energy Systems

There are numerous types of energy saving passive solar devices with broad range of installation costs. These costs and the energy savings depend a great deal on the characteristics of each particular residence. In assessing the life cycle economic feasibility of passive solar systems throughout the nation, DOE concluded that the cost-effectiveness of passive systems depends on the particular characteristics of individual buildings, rather than on the characteristic of easily defined broad categories. The auditor will be best capable of evaluating the applicability of passive systems. Therefore, passive solar devices were designated as Program measures everywhere, and applicability criteria have been added to the audit criteria.

In the case of replacement solar swimming pool heaters, it was considered that the high insolation level available in any location would enable the heater to displace enough conventional fuels to show favorable life cycle economics in all regions. Therefore, swimming pool heaters are Program measures everywhere.

In the case of solar DHW, active solar space heating, combined solar space heating/DHW, and wind energy systems, a detailed consumer-oriented life cycle economic analysis was carried out to assess the economic feasibility of installing each of these systems in each State. Sizes and total current costs of prototypical systems, representative of the current state of technology, were determined for typical residential

applications on a regional basis. That is, for example, the prototypical solar system configuration was specialized to the climatic conditions regionally, as suggested by the Office of Technology Assessment. The costs used in the calculations included the cost of installation by a contractor.

The economic analysis determined the 20-year costs to the consumer, with and without the particular solar measure. Existing Federal tax incentives were taken into account. The analysis did not account for State or local tax incentives, as these are too numerous and variable in nature for a national-level analysis. States are encouraged to account for these tax incentives while assessing the potential for additional measures on a State basis.

Current average statewide prices for natural gas, heating oil, and electricity were developed from the most credible data bases available. These fuel prices were assumed to escalate in accordance with estimates made by DOE's Energy Information Administration through 1995 for each of the ten DOE regions. Fuel prices were assumed to escalate in conformance with general inflation after 1995. Insolation and wind speed information for the U.S. climatic regions was obtained from the most current data base of the National Oceanographic and Atmospheric Administration (NOAA). These data were based on long-term collection of meteorological information at over 200 measuring stations. Solar insolation levels were considered to be relatively stable throughout each of the NOAA climatic regions and therefore were used directly in the analysis. Wind speeds, on the other hand, can vary widely over relatively short distances, making the use of measuring station data for a large area inadvisable.

Recent meteorological research by the Battelle Pacific Northwest Laboratories for DOE has resulted in the preparation of a wind atlas for the Northwest United States. This atlas contains estimates of annual and seasonal mean wind speeds in 15 mile by 15 mile grids throughout the Northwest region. The Battelle data were compared with the NOAA measuring station data in the Northwest and it was found that a representative, well-exposed site in the Northwest would have an annual mean wind speed 1.4 times that observed at the nearest measuring station in the regions. Therefore, in the absence of site-specific wind speed measurements for a given residence and without the wind atlases for the balance of the country (which will not be available for 1 to 2 years), it was decided to retain the 40% enhancement of NOAA wind measuring

station data throughout the United States to represent the wind resource level that would be expected at well-exposed sites in any climatic region. In agreement with numerous commenters, DOE recognizes that this method of assessment, especially for wind systems, will identify program measures for sites that an on-site audit would later dismiss as infeasible or not cost-effective. To reduce the cost impact on the utility companies to conduct the audits, DOE has included applicability criteria, in Section 456.307 of the Final Rule with which an auditor can quickly rule out certain measures, especially wind systems, based on only a cursory examination of the house and its site.

The table of Program measures reflects the revised conditions of assessment, as well as the decision by DOE to present the measures on the basis of HUD-MPS regions per State. Use of the HUD-MPS regions is responsive to numerous requests to better integrate the measures lists for conservation and renewable resource program components, thereby simplifying the regulations.

The renewable resource measures were analyzed in each of the NOAA climatic zones described in Appendix I(B) of the Proposed Rule. The climatic zones were then aggregated into the HUD-MPS regions. If a measure was cost-effective in NOAA zones covering less than 50 percent of the HUD-MPS zone in any one State, that measure was not included as a Program measure for that zone.

Examination of the tables shows, for Solar Domestic Hot Water, that the coverage by State has remained largely unchanged from the Proposed Rules to this Final Rule. Forty-two States (including Puerto Rico and the District of Columbia) retain about the same geographic coverage, eight States have more solar DHW coverage, while geographic coverage has been reduced in Ohio and Vermont.

A major change from the Program measures of the Proposed Rules is that the use of solar DHW has been assessed for cost-effectiveness relative to each fuel type, and determined to be a Program measure on this fuel-specific basis. This approach is responsive to the request of several gas utilities and the American Gas Association. It is a departure from the prior DOE policy of including solar DHW in a climate region, for all fuels, if it was found to be cost-effective relative to any fuel in that region.

The coverage of wind systems as Program measures remains basically the same. Forty-one States including Puerto Rico and the District of Columbia retain

about the same coverage; nine States have reduced coverage; while two States, Kentucky and Wyoming, obtained increased coverage.

The major changes are in the categories of solar space heating and combined space heating and domestic hot water. The States of Idaho and Nebraska now contain regions for which solar space heating is included in the program, while the States of Arkansas, Delaware, Idaho and Nebraska join the more southerly States in producing cost-effective opportunities for combined solar space heating and domestic hot water systems. These additions reflect, for the most part, the dramatic rises in fuel costs since the analysis for the Proposed Rule and the revised projection of fuel costs over the 20-year future. The State may propose other renewable resource measures for its State in its State Plan. See Section IV S of the Preamble for further discussion of State measures.

#### *Energy Conservation Measures*

Suggested levels of ceiling, duct and floor insulation were commented on by over half of the respondents. The general consensus was that the suggested levels of duct and ceiling insulation were too high. It was recommended that the suggested level for duct insulation be lowered to R-7. Many commenters stated that levels of R-19 and R-14 would be physically impossible to install in most homes; the energy savings would not be enough to make it cost-effective; and insulation packaged for these levels would not be commercially available. Some commenters suggested that R-7 be required and R-14 be recommended when possible. Maryland, Florida, and Texas wanted the duct insulation level for their States to be R-8.

Most of the respondents wanted caulking and weatherstripping to be suggested measures for all climate zones. Storm or thermal doors and storm or thermal windows were also recommended as suggested measures for all climate zones. However, most commenters from Texas felt that storm doors and windows were not cost-effective in their area.

Ceiling insulation levels were also described as excessive. Most commenters recommended lowering these levels to R-30, because R-38 and R-49 are not cost-effective and might be impossible to install. The feeling was that the levels recommended were unrealistic from a cost recovery viewpoint. Commenters from the States of Texas, Louisiana, North Carolina, South Carolina, Arkansas, Michigan, and the Tennessee Valley Authority

region recommended floor insulation levels of R-19 for their climate zones. One person suggested that local insulation level standards should prevail where they met or exceeded the Federal standards.

Both the content of the tables of Program measures and the requirements for their use have been changed substantially in order to increase the flexibility which the States have in designing their Programs. First, any energy conservation measure or renewable resource measure contained in the definitions in § 456.105 may be added as a State measure by a State to its Program. See Section IV S below. For example, if storm doors are not included for a particular State, they may be added to all audits and other services. Second, as described below in section IV S of this Preamble, other measures may be added in the State Plan as "State measures," subject to DOE review. Third, measures which are Program measures in one HUD-MPS region in the State, but not another, may be made State measures in the regions where they are not Program measures.

The fourth change in the tables of Program measures is that the levels of ceiling, floor, and duct insulation have generally been reduced and are designated as minimums. A State may replace DOE's minimum level with any higher one, subject to DOE approval. A State may propose to add as a State measure a lower level for the purpose of auditing an additional level.

The levels of insulation and the structure of tables of Program measures have been changed to respond to comments on three different problems with the Tables: First, to lower the insulation levels which were too high; second, to make the renewable resource measures and energy conservation measures tables consistent; and third, to make the tables more consistent with an existing Federal conservation standard, the Minimum Property Standards (MPS) of the Department of Housing and Urban Development (HUD). We have used the most recent version of the HUD-MPS as published in the Federal Register on April 16, 1979, at page 22451.

The numerous comments received concerning special recommendations for different climate zones were State-specific. Among the recommendations were: Hawaii should not be in Zone 6 but in a special zone for subtropical areas; Zone 6 should be subdivided to reflect the unique climatic conditions of all parts of Florida; floor insulation should be recommended for Zones 7 and 8; Denver County should be added to Colorado Zone 4; Gilpin County should be added to Colorado Region 3; and

Jefferson, Douglas and El Paso Counties should be changed from Zone 3 to Zone 4. One commenter suggested that climate zones be optional. Another suggestion was to make the climate zones broader.

The climate zones in the HUD-MPS and this Final Rule are based solely on heating degree days. However, savings in air-conditioning costs have been taken into account in those climates where air-conditioning is prevalent.

As in the HUD-MPS, the ceiling and floor insulation levels, and the requirements for storm windows and doors and wall insulation, are identical for homes heated with gas and oil. The levels for homes with electric resistance heating (such as electric furnaces or baseboard heating) are higher in some climate zones. The measures for homes with heat pumps are the same as those for gas and oil heated homes in zones of less than 5000 heating degree-days. They are the same as those for electric resistance heating in zones with more than 5000 heating degree-days. Though many commenters requested that the levels be identical for heating fuels, DOE agrees with the HUD-MPS that a separate level for electric heating is frequently cost-justified. However, the provision in this Rule governing State measures may be used to eliminate the distinction between residences heated with different fuels, as long as all measures for each fuel type are included in the list for the combined category. For example, if a State wished to make the insulation levels identical for all houses, those of the lowest building category (in most cases, natural gas) could be raised. Thus ceiling and floor insulation levels for the combined category would be the same as the highest levels of the four fuel types.

All other energy conservation measures are Program measures for all houses. The measures are: caulking and weatherstripping, replacement furnaces, or boilers, duct and pipe insulation, water heater insulation, heat reflective and heat absorbing window and door material, replacement control air conditioning and clock thermostats.

These requirements are different from those of the Proposed Rule in the following ways. First, caulking and weatherstripping are now included for all homes. As many commenters pointed out, caulking and weatherstripping can be cost-effective in virtually all homes. Second, vent dampers have been deleted for oil-heated homes, because DOE believes standards for these installations are necessary but are not yet available. Vent dampers have been retained in the Program for gas furnaces. DOE will shortly propose for comment



an installation standard for vent dampers for gas-fired furnaces which DOE believes is necessary to assure safety and effectiveness.

DOE is working with HUD and the Farmers Home Administration of the Department of Agriculture to make the various Federal recommendations for conservation in housing consistent. DOE anticipates that the MPS will next be modified when the DOE Building Energy Performance Standards are made final. DOE's tables of Program measures will be modified at that time. However, these changes in the Program measures will not take effect until the second Program Announcements are prepared as described in § 456.306(a).

#### *Categories of the Buildings*

Many commenters stated that the base for computing cooling degree-days should be adjusted from 65°F to 70°F. Several stated that accurate cost estimates for passive and active solar systems could not be obtained using DOE calculations. It was also suggested that a mobile home category should be added to all the tables. Two commenters wanted the entire section deleted and broad rules substituted in its place.

The categories of buildings in the Final Rule have been moved from § 456.306 to Appendix I. The categories are almost identical to those in the Proposed Rule, with a few exceptions. First, homes with heat pumps have been separated from those with electric resistance heating. As many commenters pointed out, the cost-effectiveness of measures in homes with heat pumps is different than that for other electric heated homes. However, the category "heat pump" is not used for solar domestic water heaters, since the heat pump is not used for water heating. Second, homes which use propane or butane as the principal heating fuel have been moved from the category "oil" to the category "gas." Several commenters pointed out that propane and butane heating systems are physically very similar to natural gas systems, and that the furnace efficiency modifications for gas furnaces were more appropriate. Third, the categories for wind systems are the same as those for conservation measures, since the appropriateness of wind systems was analyzed with respect to each of these categories. Section IV. F, below contains a further discussion of the importance of these categories.

The building types used for the designation of Program measures for active solar heating and combined active systems remain as single-family detached, attached buildings and mobile homes. DOE considered adding a

separate category of mobile homes for conservation measures. However, most of the conservation measures are applicable to mobile homes, with the exception of ceiling and wall insulation. For these two measures DOE has allowed the auditor to determine that they are not applicable if the customer lives in a mobile home. Also, DOE has expanded the definition of floor insulation to include skirting in the case of mobile homes.

The Program measures table reflects the following analysis of renewable resource measures:

1. Solar domestic hot water systems were compared to conventional electric and gas- and oil-fired domestic hot water systems, respectively. The electric heat pump category is not applicable in this case.

2. Solar space heating and combined solar domestic hot water/solar space heating systems were compared with conventional systems separately supplying domestic hot water and space heating. Both were assumed to use the same fuel (electricity, natural gas, or oil, respectively). The electric heat pump case included a conventional electric domestic hot water system.

3. Wind systems were compared to conventional systems in three different profiles of electricity use. Different size wind systems were used in the analysis for each profile. In each profile, the wind system was only providing electric power which displaced a portion of the electrical demand of the residence rather than producing electricity for resale to the utility as well. The electricity-usage profiles considered were:

- Electricity—general lighting and appliances, electric domestic hot water, electric resistance heating, electric air conditioning.
- Natural Gas and Oil—lighting, appliances, and domestic hot water supplied by electricity; houses heated by natural gas or oil. The space heating system remains unchanged even if a wind system is installed since the wind system output is *not* providing energy for space heating.
- Electric Heat Pump—lighting, appliances and domestic hot water provided by electricity. Space heating and cooling supplied by electric heat pump.

#### *F. Program Announcement—§ 456.306*

Respondents to the Proposed Rule felt strongly about the scope and content of the Program Announcement. Of the more than 240 comments addressed to § 456.306, the largest number came from utility companies, with State Government offices next. Major issues

identified by the respondents were: (1) the expression of savings estimates of the installation of suggested measures and conservation practices in dollar amounts; (2) the scheduling of distribution of the Program Announcement; (3) the intent and content of the Program Announcement; and (4) the load management disclosure. The comments also dealt to a lesser extent with building categories, new customers, tax credit information, and other issues related to the general content of the Announcement.

Sections 456.306 (a) (2) and (a) (4) of the Proposed Rule specified that the Program Announcement must contain reasonable estimates of the savings in energy costs, *expressed in dollars*, for the installation of suggested measures and the adoption of conservation practices. Almost all respondents objected to this requirement. The alternative mentioned most often was to express the savings as a percentage of the fuel bill. The many variables involved (family size, life style, energy consumption patterns, residence type and size, inflation, and fluctuating fuel prices) were often cited to support the position that an accurate dollar amount would be extremely difficult to calculate. Other suggestions were to express the savings in energy units (dependent upon fuel used) or to state the auditor would calculate the savings at the time of the audit.

Quite a few respondents suggested that cost estimates for installations and energy savings should be deleted from the Program Announcement altogether. Consumer advocate groups and a few State Government offices were the main proponents of extremely detailed savings estimates.

NECPA requires the Program Announcement to include, "the *savings in energy costs* that are likely to result from installation of the suggested measures in typical residential buildings in such category," (Section 215(a)(2), emphasis added). Consequently, DOE cannot eliminate from the Final Rule the requirements for providing savings information and expressing the savings in energy costs. However, DOE, in the Final Rule, allows energy savings to be expressed in dollars, ranges of dollars, or as a percentage reduction in energy bills.

The Proposed Rule did not require the inclusion of program measures costs in the Program Announcements. The Final Rule also does not require such costs to be in the Program Announcement.

NECPA requires that each covered utility and participating home heating supplier provide each of its eligible customers with the information

contained in the Program Announcement. Although a number of commenters suggested that the utility or home heating supplier which provides the heating fuel for the customer be the only person required to send the Program Announcement, DOE rejected this approach because it does not meet the requirements of NECPA.

The amount of detailed information required in the Program Announcement elicited many responses. The intent was perceived to be "a way to sell audits," to motivate people directly to install energy conserving equipment and to adopt energy conserving practices in their homes. Phrases like "information overkill," "not to be a textbook on energy engineering" and "should not be vehicle for technical information" abounded in the comments. One respondent suggested that "mandatory items of inclusion should be kept to the barest minimum. What is not necessary to the 'selling' of the audits should be left out." Many respondents commented that the Program Announcement as proposed would not be read and should be developed along the lines of an attention-getting bill stuffer.

A two phased approach for the Program Announcement was also suggested. The first phase would be a short summary of the RCS Program, stating that additional information would be available upon request. The second phase would be similar to the proposed Program Announcement and could contain a tear-out to request an audit.

DOE does not believe the Program Announcement as required in the Proposed Rule would be "information overkill," but rather believes that it could be, through creative marketing, an attractive information piece which would motivate customers to request audits, if not to purchase measures directly. As a result, the requirement for a Program Announcement is retained in the Final Rule. At the same time, DOE believes that, in order to allow for various effective marketing strategies to be used by utilities and home heating suppliers, it should provide additional flexibility in this area. Consequently, the Final Rule contains provision the State to propose in its State Plan an equivalent means of distributing the initial Program Information. If DOE determines that the State's proposal is equivalent to the Program Announcement in terms of ensuring that customers receive a full description of the economic benefits of energy conservation, including renewable resources, and the availability of the services and benefits of the RCS, within

the time limits of NECPA, DOE will approve the alternative.

Many respondents commented unfavorably on the requirement for the initial distribution of the Program Announcement to all eligible customers within six months after the approval of the State Plan. The consensus was that a large demand for audits would be stimulated and backlogs of audit requests would ensue. To prevent customer dissatisfaction and encourage participation, it was suggested that the Program Announcement be distributed over a longer period of time at either staggered intervals or over the course of at least one year, or to specific geographic regions, or to a percentage of the utilities' customers.

Respondents questioned the necessity of each utility sending Program Announcements to the same customer. The need for a cooperative effort among various utilities supplying customers in the same area to avoid duplication of effort was mentioned frequently. It was suggested that the supplier of the fuel or energy used for heating or a designated State agency be responsible for the distribution of the Program Announcement.

DOE agrees that sending the Program Announcement to all customers within six months of the approval of a State Plan could stimulate a demand which would be difficult to meet without a temporary expansion of the number of auditors utilized by utilities. However, the six month requirement is contained in NECPA. Consequently, DOE cannot simply waive the requirement in its Rule.

A number of States and utilities suggested that DOE allow audits to be staged or scheduled on a more even demand basis by neighborhood or customer energy use. This approach has been adopted by DOE in its Final Rule. The offer of a Program audit in the Program Announcement can be conditional on providing audits on a geographic basis (e.g. neighborhoods, communities) or on amount of energy used (e.g. higher users first, users which pay a higher proportion of their disposal income for energy). A description of any conditions must be in the State Plan along with a procedure for recontacting individual customers when audits are available to them. The Program Announcement should also provide an indication as to the approximate time at which audits will be available to the customer. At a minimum, all customers must receive an unconditional offer for a Program audit once every two years or within a shorter time specified by the State. In order to ensure that once a customer has requested a Program audit,

it is provided within a reasonable time, the requirement in the Proposed Rule that States determine an adequate period of time for fulfilling a customer request for an audit is retained in the Final Rule.

Several utilities suggested a particular staged or phased approach to providing the information required in the Program Announcement. This approach would, according to the recommendation, be stretched over six months with, for example, Program measures savings shown in the first or second month and the offer for an energy audit sent out two to four months later. This approach would be unacceptable to DOE because it separates the motivation for an audit (i.e., energy savings) from the offer for the audit.

The requirement for a load management disclosure was commented on by more than 80 respondents. Nearly all of these commenters suggested that this disclosure be eliminated from the final regulations. Reasons given were: (1) it was discriminatory against electric utilities that did not offer time-of-use rates or load control rates; (2) load management devices are designed to control peak demand, not to conserve energy; (3) the average customer would not understand such a disclosure; and (4) the disclosure was an attempt to implement the load management standard of the Public Utility Regulatory Policies Act (PURPA) of 1978. Several utility companies with existing load management programs also advocated the deletion of the disclosure for the above reasons. Three respondents suggested that the disclosure should remain in the Program Announcement only in areas where residential customers were familiar with this concept. Two respondents favored a blanket inclusion of the disclosure in all Program Announcements.

DOE believes that there are real savings associated with the adoption of time-of-use rates and encourages utilities to adopt such rates where there are no such rates. However, DOE agrees that the load management disclosure may cause confusion and has dropped this requirement from the Final Rule.

Several comments dealt with the issue of offering previous audit results to new occupants. The majority opinion was not to do so. Reasons cited were: (1) it might be construed as an invasion of previous customers' privacy; (2) if an audit had been performed, a new customer would not be aware of which measures were installed by the previous occupant after an audit; and (3) new customers would receive program information during the two year cycle of Program Announcement distribution.



The requirement that energy audits results be provided, upon request, to new customers owning a residence already audited under RCS is a requirement of NECPA. Consequently, DOE has not changed the requirement in the Final Rule. The requirement that new customers receive a Program Announcement is also contained in NECPA and is retained in the Final Rule. NECPA also requires that a new customer receive an offer from the utility or home heating supplier for an audit and the arrangement services of the utility.

Several utilities thought that they did not have the expertise to handle adequately any calculations concerning active or passive solar systems. They also questioned the necessity for calculations to be "identical" and suggested that "consistent" would be a more appropriate term. A request for a liability disclaimer and some questions about the prohibition against advertising were also mentioned.

DOE agrees with the commenters who felt that the requirement of "identical" savings in different Program Announcements received by the same eligible customer incurred greater costs than the benefits it would produce. Therefore, DOE has changed the Final Rule to require that these savings estimates only be substantially the same, not identical as in the Proposed Rule.

The requirement that no advertising appear in or accompany the Program Announcement is retained in the Final Rule. DOE believes that this is a reasonable requirement needed to ensure fair competition between utilities or home heating suppliers and other suppliers, installers, or lenders.

The Proposed Rule allowed an exception to this prohibition, in that utilities which supply, install, or finance program measures could state that they do so. However, FTC commented that this exception might give such utilities an unfair competitive advantage over other suppliers, installers, or lenders. DOE agrees with FTC with respect to installers and suppliers. To allow utilities, in the Program Announcement to state that they supply or install measures would give them an unfair advantage in advertising which their competitors do not have. Utilities are, of course, free to advertise that they offer these services in other material that they distribute to their customers or through other media. However, with respect to financing, DOE believes that few lenders offer loans for installing energy conservation or renewable resource measures. We therefore encourage utilities to offer such loans, particularly

at reduced interest rates, as several utilities now do. We also do not believe that a disclosure in the Program Announcement about the financing would have an anticompetitive effect. The Final Rule thus allows utilities to state that they offer loans for program measures.

Some respondents felt that information about do-it-yourself installation, tax credits and existing programs should be included in the Program Announcement. Greater flexibility for States to add additional measures not suggested by DOE was also recommended.

Information in the Program Announcement on Federal residential energy tax credits and the Weatherization Assistance Program for low-income persons has been added as a requirement of the Final Rule. DOE agrees with commenters that each of these additional information requirements will enhance participation in the RCS Program by providing information which will show customers how to reduce the costs of installing Program measures, as well as the desirability of installing such measures.

#### *G. Program Audits—§ 456.307*

The program audit, or "inspection" as it is termed in NECPA, is the core of the RCS program. Fifty-four percent of the commenters dealt with this section, a higher percentage than any other section. As with most other sections of the Rule, the largest group to comment was utilities. Other organizations with substantial representation in the comments included State governments, manufacturers, and contractors. A wide variety of concerns was expressed.

The audit requirements have been changed as a result of public comment and further DOE analysis. Many requirements have been reduced, while others have been expanded.

1. *Split Versus Combined Audit.* One of the major questions about the audit was whether it should be one comprehensive audit addressing energy conservation measures and renewable resource measures, or whether it should be split, separating the conservation and renewable resource components. Nearly half the comments about audits addressed this question. Most of these clearly recommended a single audit of some kind; however, there was considerable disagreement on the nature of this audit. A few comments merely recommended one audit without specifying the type. Thirteen utility representatives requested that they be allowed to perform a conservation audit only, either omitting the renewable resource audit entirely (as not cost-

effective) or allowing private contractors to perform that part. Some of these comments mentioned only the renewable resource audit specifically, but, at least by implication, these comments indicated that the utilities would prefer to be responsible for an audit for conservation measures only. The largest single group expressed a preference for a combined audit addressing conservation and renewable resource measures in a single visit. A minority preferred two audits. A few of these wanted to include a feasibility study in the conservation audit to determine if the residence would be appropriate for a detailed solar audit. Others wished to make the conservation audit a prerequisite to the renewable resource audit. Other commenters merely requested a clarification of the Rule.

The Final Rule reverses the requirement of the Proposed Rule for the offer of separate conservation and renewable resource audits. The principal reason for this provision in the Proposed Rule was that DOE believed the costs of an audit which addressed both types of measures would be so high as to either deter participation or raise utility costs unacceptably.

However, many commenters pointed out that costs might be very high if separate audits were offered, since the utility might be obliged to visit a residence two separate times, once for conservation measures and once for renewable resource measures. The Final Rule takes the opposite position from the Proposed Rule by requiring that the customer be offered an audit which covers all Program measures (both renewable resource and conservation) as well as the energy conserving practices. Based on public comment and our own further analysis, DOE is confident that an audit which adequately addresses all Program measures and practices can be performed on the average in 2 to 2½ hours by a well-trained and experienced auditor. This provision of the Final Rule also assures that information on both renewable and conservation measures will reach the broadest possible audience.

This provision of the rule does not mean that one person necessarily must perform the entire audit or that the audit must be carried out in one visit. DOE has substantial evidence, however, to believe that it is possible for one person to be trained to address all measures in a particular residence. This can be facilitated by the utility learning the type of furnace from the customer before the audit. However, a utility may

subcontract for all or part of its audit services. But whatever the contracting arrangement of the utility or the number of visits, the customer who requests an audit must receive an analysis of all Program measures.

**2. Restrictions On Auditing For Other Measures.** The Proposed Rule left the impression that an auditor could not address measures that were not suggested measures. There were many objections to this perceived restriction. All of the comments which dealt with this issue requested more flexibility. The Proposed Rule prohibited auditors from estimating "costs or energy cost savings of installing any product which is not a suggested measure unless the auditor specifically states that the product is not a suggested measure." One person commented specifically on this point, seeking to allow auditors to include other measures in their estimates without having to state that they were not "suggested."

The Final Rule has been changed to allow States substantial latitude in adding measures to the minimum list of Program measures which must be addressed in the audit. First, any energy conservation or renewable resource measure which is not a Program measure for a particular location may be added as a State measure subject to DOE review. For example, if solar domestic water heating is not a Program measure in a State, that State may add it to its requirements.

For example, if ceiling insulation level for a particular house in a particular climate zone is R-30 in Appendix I, the State may choose, subject to DOE review, to require the auditor to give cost and savings information about R-22 and/or R-36 levels as well. Second, the State may propose State measures in its State Plan, subject to DOE approval, which are not energy conservation or renewable resource measures if they meet the criteria of Section 456.319. Third, the insulation levels may be raised or added to, as described in the footnote to the tables of program measures in Appendix I. A State may propose to substitute a higher level as a program measure, subject to the Assistant Secretary's approval in a State Plan. Or a State may propose additional levels, either higher or lower, as State measures, for the auditor to analyze. For example, if the program measure level for gas-heated homes is R-30 in Appendix I, the State may propose to require the auditor to give cost and savings information about R-22 and/or R-36 levels as well.

**3. Duplication of Audits.** Most respondents felt that it is sufficient for each eligible customer to have one

complete audit available from one utility or fuel supplier, rather than to have the option of receiving an audit from each utility and fuel supplier that serves him. Some suggested that the customer be allowed the option of requesting an audit from any utility in his area. Three of the comments recommended that the utilities in an area work out an arrangement whereby only one audit is performed per residence. Many commenters said that only the utility which provides the principal fuel for heating or air conditioning should be required to offer an audit to its customers.

The Final Rule requires each covered utility to offer a complete audit to each of its residential customers. This is required by Sections 213(a) and 215(b) of NECPA. NECPA does not prohibit a covered utility from subcontracting for its auditing services. It is therefore possible for one utility or home heating supplier to contract with another utility or home heating supplier to perform all or part of the audits requested by its customers. Regardless of the contracting arrangements, though, each utility is directly responsible for providing the audits which its customers request. That is, the utility may not simply refer its customers to a third party but must actually provide the audit.

**4. Time Within Which Audits Must Be Performed.** A few utilities expressed concern about their ability to perform the audits within a reasonable time after receiving a request for an audit from the customer, particularly considering the requirement for distribution of the Program Announcement within six months of State Plan approval. The Rule indicates that the State shall specify "a reasonable time" for completion of audits. All comments received on this issue requested that the implementation schedule be flexible. One suggested that "reasonable time" should take into account the number of customer requests, while others recommended not specifying a particular time period.

Paragraph (a) of the Section 456.307 retains the requirement that the State Plan establish a reasonable time period within which a utility must provide an audit to the customer who requests it. DOE believes that customers will be discouraged if they must wait an unreasonable time to receive an audit after they have requested it. One part of the State and utility planning should be some assessment of the likely demand for audits, so that an adequate number of auditors are hired. Section 456.306(a)(5)(i), which allows offers of audits to be conditioned upon reasonable factors and requires an

unconditional offer of an audit within two years of State Plan approval, reduces the risk that audit demand will substantially exceed supply at any given time.

**5. Class B Audits.** There was considerable disagreement whether Class B audits, i.e., audits performed by the eligible customer and mailed to the utility for analysis, should be permitted. The Proposed Rule specified that Class B audits could not be a precondition for the on-site Program audit required in the Rule. Almost all of the commenters requested some change in the rules toward greater flexibility in providing Class B audits in association with the RCS. Some of the comments suggested that the eligible customer should be allowed to choose whether he or she receives an on-site Program audit or a Class B audit. Others suggested leaving the choice up to the State. Still others recommended a Class B audit as a prerequisite to the on-site audit.

There was a great deal of comment on the comparative effectiveness of on-site audits and Class B audits. DOE, however, believes that Program audits are more effective in conveying cost and savings information to customers and in encouraging further action by the customer, and are more accurate in the results they produce because the data about the house is collected by a person trained in home energy analysis. There are very few studies which clearly compare the energy savings achieved by each class of audit. DOE, nevertheless, changed the Rule to allow Class B audits in association with the RCS Program. Since NECPA requires utilities to offer on-site audits, the Rule retains the prohibition against a precondition of a Class B audit for receipt of the on-site Program audit.

Class B audits offered in association with the RCS Program must meet the criteria specified in this Final Rule. The utility may continue to offer its customers Class B audits that do not meet these criteria, but not under the auspices of an RCS Program.

As discussed above in Section II. B. of this Preamble, two new terms have been included: "program audit" and "Class B energy audit." Section 456.307(h) includes criteria which apply to Class B audits conducted under the auspices of the RCS Program. These criteria were added to assure the integrity of the RCS Program and therefore are necessary to implement NECPA.

**6. Supplementary Information Provided in Audits.** Subparagraph (d) contains the minimum list of supplementary information which the auditor must provide to the customer along with the cost and savings

estimates. The Proposed Rule also listed supplementary information the auditor must provide. Several commenters requested additions to this list. About half of those comments recommended more do-it-yourself information; a few recommended requiring material on tax credits; and others wanted information on other building conservation programs, particularly the Weatherization Assistance Program for low-income persons, to be included.

Three items have been added in this Final Rule: information for do-it-yourself installation of certain Program measures; information regarding the Federal tax benefits for which the customer may be eligible; and information about eligibility for assistance under the Weatherization Assistance Program for low-income persons. DOE believes that there is widespread interest in each of these items and that it is easy for the auditor to provide it.

**7. The "in-Person" Requirement.** The Proposed Rule required that audit results be presented "in-person" to the eligible customer. Some respondents felt that in-person presentation of audit result would be more effective in persuading customers to take action than results mailed after the visit. Many claimed that a return visit to deliver the audit result would increase costs, complicate audit procedures, and cause inconvenience to customers. The majority recommended that in-person delivery of result should not be required.

Many suggested that the results be mailed or phoned. Some recommended that a follow-up in person or by telephone be provided if the customer requested it. Several comments stressed flexibility, recommending that the choice of the most effective delivery method be left to customers, States, or utilities.

The principal arguments against in-person delivery of audit results were that it would require two visits to the home and therefore greatly increase costs, and that it would produce no appreciable difference in energy savings. Most audits, it was argued, will be conducted during normal working hours when one or both decisionmakers of a husband-wife household will be away from home. Also, whereas the auditor is not a salesperson, he will not use the opportunity to persuade the customer to take further steps.

The final Rule retains the requirement for delivery of the results of the audit in person, with a modification. There are three reasons for this provision. First, regardless of who is home at the time of the audit, DOE believes that in-person delivery will assure a greater

understanding of the results of the audit and of the further services which the Program offers. Second, DOE believes that in-person delivery does not necessarily mean higher costs for the audit. Several utilities currently provide single-visit audits with in-person delivery of results at a cost no higher or only slightly higher than other utility audits. DOE does not intend the in-person delivery of results to require two visits. In fact, DOE encourages utilities and States to select audit procedures which involve only one visit to the home as a way of keeping costs low. Also, if the customer is not present during the audit or otherwise declines in-person presentation, the utility is relieved of any obligation to deliver results in person.

Third, DOE believes that in-person delivery provides a better opportunity for the auditor to attempt to motivate the customer to take some energy conservation action. DOE acknowledges that this position is based more on judgments about strong marketing techniques and a desire to encourage utilities to try to sell conservation to its customers, rather than on any firm data that in-person delivery has been shown to save more energy. Therefore, DOE has written Section 456.307(c) to allow states to propose alternatives to the in-person delivery of results which they believe will be equally or more effective in motivating consumers to take action. These alternatives need not be solely methods for delivering audits results, but can include such motivational techniques as the State chooses to propose.

**8. Cost and Savings Estimates.** The Proposed Rule required the auditor to provide an estimate, expressed in dollars, of savings in energy costs which would occur over a specified period of time from installation of suggested measures. Expressing savings as a percentage was favored by many of the respondents commenting on this issue. Some felt that savings should be in a range of dollars and percentages. Difficulties in providing realistic estimates were also discussed.

Section 456.307(c) requires cost and saving estimates to be expressed at a minimum in dollars or a range of dollars. Single savings figures (such as \$45 per year) have the advantage of appearing more definite or conclusive to the customer, but they can also be misleading. DOE knows of no estimation technique which has been shown to be accurate to the nearest dollar. Therefore, the Final Rule allows the State to choose whether, at a minimum, to express savings as single estimates or

ranges of dollars. The State may also require or allow percentage savings estimates in addition to the dollar savings estimates. In either case a disclaimer must be provided to the customer about the validity of this estimate.

**9. Audits for Renewable Resource Measures.** The Preamble to the Proposed Rule suggested that the audit of renewable resource measures may necessitate the inclusion of additional information in the audit results. Because of substantial variation among the products that a customer may purchase, DOE has specified in its audit procedures for solar domestic hot water systems or active solar space heating systems or combinations thereof, that the auditor provide information regarding the solar system upon which the auditor is basing his savings estimates.

The Proposed Rule contained requirements in section 456.702 that the construction and installation of solar domestic hot water and active solar space heating systems comply with the *HUD Intermediate Minimum Property Standards Supplement*. In the Appendix to this document is a procedure for sizing of systems based on the F-chart model. In its comments on the Proposed Rule, the Federal Trade Commission commented that this procedure is a good procedure and recommended that it receive more attention in the Rule. In addition, various representatives of the solar industry testified that this model is the basis for their "audits" of residences. Therefore, DOE has included in section 456.307 of the Final Rule a requirement that this model or its equivalent be used as the basis of the solar audit. The model is nonproprietary and is available in the marketplace.

Three commenters suggested that the renewable resource audit could be simplified. It was felt that the provision of detailed and highly technical information on solar systems would be incomprehensible to most homeowners and that general background information would be sufficient. Difficulties in providing realistic estimates of annual maintenance costs were stressed.

DOE does not believe that the requirements of the Proposed Rule for providing certain descriptive information about solar systems was either unnecessary or likely to be confusing. The Final Rule has added other information which must be provided. DOE believes this information to be important to any person considering installation of a system. DOE also believes that it can be presented simply and easily by the

auditor in printed form. DOE agrees that realistic estimates of annual maintenance costs are difficult to develop, but they are important in the homeowner's consideration of the cost of a solar system. As part of its model audit procedures, DOE intends to provide the best available data which meets this requirement.

Comment included suggestions that solar domestic hot water should be included in all renewable resource audits. Passive solar space heating and cooling were described as helpful in decreasing energy consumption, but there appeared to be some differences of opinion as to what measures constitute passive cooling devices. Auditing wind energy systems was cited as being impractical and inappropriate.

Solar water heating has been included in the program in those areas where DOE believes it is likely to be cost-effective, as described above in IV. E. States may propose to expand its coverage according to Section 456.319. The definition of passive solar systems has been modified to include one specific set of passive cooling devices, window shading. DOE believes that useful information about the costs and savings of wind devices can be provided as part of a basic RCS audit and intends to provide model procedures for doing so. This subject is discussed further below under calculation procedures.

A few respondents expressed concern about the availability of auditors qualified to perform renewable resource audits. Many felt that the calculations required for this type of audit are beyond the scope of a utility auditor and would require the expertise of an architect, mechanical engineer, or contractor. The need for much guidance and information for utilities and consumers on solar systems was often expressed.

In combining the audits, DOE has simplified the renewable resources portion of the audit by eliminating some of the analysis of costs and by adding the applicability evaluation (discussed below). In addition, DOE will provide as technical assistance a model audit which will give methods for estimating costs and savings of each renewable resource measure. Because the audit has been simplified, DOE does not believe an architect, mechanical engineer, or contractor would be required to perform the audit. DOE believes that a utility auditor could address all measures.

10. *Furnace Audits.* Six of the respondents felt that any furnace inspection should be the responsibility of the utility or supplier providing the fuel for that space heating system. One suggestion was that a utility should have

the option of performing an audit or passing the request on to the heating fuel supplier. The question of whether a utility can subcontract the audit to a fuel supplier or auditing firm was raised. One concern was that competing energy suppliers performing audits on furnaces using a fuel other than the type they supply have conflicts of interest. It was suggested that in these cases auditors should be prohibited from recommending fuel conversion. If conversion recommendations are allowed, it was suggested that the auditor must provide a comparison of the energy usage of the existing and replacement systems.

The Final Rule requires that each energy audit must address all Program measures. Replacement furnaces are Program measures for every home. Therefore, each utility must be prepared to audit the furnace in every home which they serve. As mentioned above, the utility may choose to subcontract the furnace audit. For example, an electric utility may hire an oil dealer to test the efficiency of the oil furnaces in their customers' homes. In this case, the utility is responsible for making sure the furnace is inspected and for presenting the results of the entire audit to the customer. The utility does not "arrange" an audit with such a contractor; the contractor is the agent of the utility.

This requirement for furnace inspections is based on our interpretation of the two provisions of NECPA which address furnace audits. Section 213(b)(2)(B) of the law prohibits a utility from inspecting a furnace unless the customer requests such inspection in writing. Section 215(b)(1)(A) requires the utility to offer an inspection of all Program measures ("suggested measures" in the law), including furnace modifications. DOE interprets this to mean that the utility must offer to provide an audit of all Program measures, and must ask the customer who requests an audit to sign a release if that customer's residence is heated by a furnace fired by different fuel than the one the utility supplies. It is not adequate for the utility to perform audits of furnaces using other fuels only when the customer takes the initiative to ask for one. Furnace efficiency modifications are very important conservation measures in any home, and DOE wishes to assure that as many customers as possible are aware of their benefits.

11. *Audit Calculation Procedures.* The Proposed Rule required that an audit of an oil furnace must include a steady-state efficiency test. The Final Rule has been changed in this regard. Section

307(b)(7) requires the auditor to estimate the seasonal efficiency of any gas or oil furnace. This seasonal efficiency must be based on an assessment of the steady-state efficiency, corrected for cycling losses. The steady-state efficiency can be estimated either from an actual test of the furnace, or from manufacturers design data for the furnace being inspected. Because we have added furnace tune-ups to the list of energy-conserving practices, the estimate of furnace efficiency is to assume that the furnace has been tuned. These changes have been made because estimates of energy savings for most of the program measures must include an assumption about furnace efficiency over the entire heating season. This is true whether the furnace is gas or oil. DOE believes that, though gas furnaces typically operate close to design efficiency on a steady-state basis, correction for cycling losses will affect savings estimates significantly. These corrections may be derived from any standard source, such as the ASHRAE *Handbook*. The requirement for a steady-state efficiency test for all furnaces has been reduced, since further analysis has led DOE to conclude that such tests might significantly lengthen many audits.

Several commenters were concerned with the difficulty of obtaining accurate audit results, questioning the adequacy of existing calculation procedures. One commenter, for example, stated that even the best state-of-the-art methods for calculating heat loss can only predict the actual energy consumption of a house to plus or minus 40%. A solar group complained that the cost effectiveness of many conservation measures were based on ASHRAE computations which have been found to be in error. There were several requests from States for financial and technical assistance in determining the adequacy of audit procedures. The Federal Trade Commission was concerned that the consumer should not be told that the audit has been "tested by the State" (as the Proposed Rule required) if this testing was either inadequate or unlikely to occur. Several organizations sent in or recommended sample audit calculations or procedures of their own.

Finally, some commenters wanted a clarification of the requirement to use local prices and climate data in calculating results, or information on where to obtain such data.

DOE has found substantial differences of opinion among those most experienced in this field about how to predict accurately the costs and savings resulting from installation of

conservation and renewable resource measures. This disagreement is particularly prevalent with respect to an audit which is to be performed in a relatively short time such as two to two and one half hours. DOE therefore believes it is important to retain flexibility in the calculation procedures. However, in order to assure that all audit calculation procedures are reviewed for accuracy before they are implemented, the Final Rule requires a State to include in its State Plan procedures to assure the accuracy of the audit procedures. The State may assure the accuracy of its procedures in one of two ways: it may validate the audit procedures itself (directly or indirectly), or it may submit the procedures to DOE for validation. The State may submit its audit procedure to DOE for validation before submission of the State Plan or with the State Plan. If the State does not have DOE validate its audit calculation procedures, it must describe in detail the means by which it has had its procedures validated. In this respect, adoption of a generally accepted audit procedure, such as ASHRAE's or DOE's model audit procedures, would be sufficient. In other cases, detailed validation studies may need to be submitted. The State does not itself have to conduct the validation studies; they could be conducted by an independent laboratory, for instance, or, if adequate, by the firm marketing the audit procedure. Finally, the Rule does not require that there be but one audit procedure for the State. Different utilities may utilize different calculation procedures. Nevertheless, each will have to be validated in accordance with § 456.307(b)(6).

DOE is concerned about the procedures used to estimate savings for wind energy systems. The applicability tests discussed below will often eliminate the need to provide such estimates. However, when cost or savings estimates must be made, paragraph (c)(10) requires that they be based on a system which is sized to meet the electrical load of the house. For example a house with electric heating is likely to have a greater electricity requirement than one with gas heating, and therefore a wind machine with a larger output would be appropriate. Appendix I was developed by taking this sizing into account in designating wind energy devices as program measures. Paragraph (c)(10) also requires that the savings be presented as a function of various average yearly wind speeds. DOE has found that wind speeds depend greatly on the characteristics of individual sites and

cannot generally be accurately estimated only from local airport data. Since wind savings depend greatly on average wind speeds, DOE recommends to anyone considering purchasing a wind machine that data be collected at the site before purchase. Tables of savings can be prepared for all auditors in a particular service territory. We are also concerned that estimates of electricity savings for wind systems be based on actual performance data for wind systems, rather than on theoretical calculations of how a particular machine is expected to perform. DOE's revised proposed standard for wind devices, which will be issued shortly, will contain test procedures for wind devices. In reviewing audit calculation procedures for States, DOE will recommend that wind energy savings be based on test data from this test procedure or equivalent.

**12. An Applicability of Program Measures Test.** The Final Rule requires the auditor to assess the applicability of a Program measure as a first step in the audit. If the audit is not applicable, then the Final Rule provides that no cost and saving calculation need be made. This provision responds to the concerns of many commenters about the cost of auditing for many of the measures, particularly solar and wind devices, which may not be applicable in many homes even where they are Program measures. It also helps assure that when a customer's home is audited, the results do not show cost and savings estimates that are highly unattractive. Subparagraph 456.307(b)(2) establishes the applicability criteria. Some are generic to all measures. Most are specific to particular measures. For example, where wind energy is a Program measure and the auditor finds that a particular house is on a lot of less than  $\frac{1}{4}$  acre, the auditor need not give any cost and savings estimates for wind. The reason for this provision is DOE's belief that safety concerns require that a wind tower be installed only where the lot is at least two tower heights plus two rotor radii wide (or about  $\frac{1}{4}$  acre in area). Similarly, if the auditor finds a furnace which is brand new, he need not estimate costs and savings for replacing it, since it is highly unlikely that a replacement furnace would be cost-effective. For all measures, one test of applicability includes whether the measure is already present. The Rule thus clarifies, for example, that if a home has storm windows, the auditor need not provide cost and savings estimates for them. Finally, a State Plan may contain certain additional applicability criteria which expand or

restrict the number of homes in which measures are analyzed. Such criteria are subject to review by the Assistant Secretary to assure that they are consistent with Program goals.

Also, the Proposed Rule contained a provision in the installation standards for installers to check for the presence of wall insulation and, if it was already present, not to install additional insulation. In light of comment and further analysis, DOE has decided that the responsibility for determining whether wall insulation is already present should rest with the auditor. Therefore, DOE has modified the Rule and has added an applicability test for wall insulation, that is, a check for the presence of wall insulation as part of the auditor's activities if wall insulation is a Program measure.

**13. Energy Conserving Practices.** The Final Rule has added requirements for the auditor to emphasize the effectiveness of the energy conserving practices. DOE has found that these practices can save 25% of the heating and cooling energy in homes where they apply. Each of them either has no cost or has a low cost which is returned in energy cost savings in less than one year. Generally these practices can be performed by the customer quickly and without special instruction. DOE therefore believes that by requiring the auditor to emphasize these practices where appropriate, energy savings will be substantial.

In addition, DOE encourages, but does not require, States to require or allow their auditors to offer to install or perform some of these practices during the audit. The auditor might turn down the water heater temperature, for example, or install a flow restrictor on a faucet. It is obviously important that the customer approve these steps, but auditors who undertake these energy saving practices will make the house more efficient than when they arrived and will assure that every audit results in energy savings. DOE's recommended audit procedures, which are being developed as part of the technical assistance to States, will include offering to undertake the practices for the homeowner.

DOE also encourages utilities and States to offer to install water heater insulation and some caulking and weatherstripping during an audit. Although NECPA generally prohibits utilities from installing these measures and requires that the customer pay for any such installation, DOE may grant temporary or permanent exemptions from the installation prohibition, and temporary exemptions from the customer-payment requirement. DOE



encourages States and utilities to seek such exemptions for this purpose. Because contractors rarely install these measures, DOE does not believe such installations by the auditor would be anticompetitive.

**14. Other Auditing Issues.** The Final Rule requires that if the auditor has any financial interest in the sale of a product, then that auditor must disclose this interest to the customer during the audit.

This provision was also in the Proposed Rule. The Federal Trade Commission and some other commenters recommended that auditors not be allowed to have any interest in the sale of any products. However, DOE believes that both States and utilities have an interest in maintaining the integrity of their auditors and will control possible conflicts of interest. An absolute ban by DOE, moreover, could cause grave problems and greatly increase costs in areas where there is dearth of trained auditors with no conflicts.

The charge which the customer pays for an audit appears to be the single most important determinant of participation rates in existing audit programs. NECPA requires that the decision on customer charges be left entirely to State Public Utility Commissions and nonregulated utilities. DOE, however, strongly encourages that customer audit charges be kept to a minimum. DOE prefers the audit to be free of direct charge to the customer. DOE also prefers that the audit include installation of low cost devices by the auditor as described above. This approach should result in energy savings in virtually all homes audited regardless of the initial motivation of the customer.

DOE has written § 456.307 with this recommendation in mind. DOE's goal has been to set minimum criteria which will assure audit quality at a reasonable cost to the utility. DOE believes, based on analysis performed in the last year and on comments received during the comment period, that the criteria we have prescribed will allow a well-trained auditor in an active utility program to perform three audits per day. DOE has aimed for an audit which an auditor can perform in an average of two to two and one half hours on-site.

The Proposed Rule contained a requirement for providing general information concerning Federal tax credits for conservation and renewable resource measures. In the Final Rule, we have added an additional requirement that the audit results contain sample calculations of the effect of the tax benefit on the cost of installing an applicable program measure. Because

the tax credit depends on the cost of the measure, which is already calculated in the audit, this additional calculation should not impose any burden.

Moreover, such an example could be a dramatic illustration to the customer of his economic benefits in installing Program measures.

EPA commented that reductions in air infiltration might reduce indoor air quality, especially in homes with sources of pollutants such as gas space heaters. DOE will shortly issue a proposed amendment to this Final Rule to require auditors to provide information on ventilation to customers. This subject is discussed at length below in "XII. Environmental Impact Statement."

#### *H. Arranging Installation—§ 456.308*

Section 215(a) of NECPA requires utilities to include procedures for informing eligible customers of "the availability of arrangements described in Subsection (b)." Subsection (b) requires utilities to "arrange to have the suggested measures installed. . . ."

Section 456.308 of the Proposed Rule contained the requirement for utilities to arrange installation of suggested measures. In an effort to encourage flexibility in the development of State Plans, this section provided States the opportunity to develop and describe an arrangement service of their own choosing. Subsection (b) required, however, that the arrangement service must entail more than the distribution of a list of suppliers and contractors.

DOE received numerous comments from utilities, States, and contractors regarding arranging installation. Many of these comments addressed the possible increased liability exposure that arranging provides for the utility, the cost and appropriateness of utility involvement in arranging, and the potential for anticompetitive activity where utilities provide any service beyond list distribution.

Many suggested that limiting arranging to distribution of the State-prepared lists would help to minimize this exposure. It was further requested that an explicit waiver of liability for all Program activities appear in the Final Rule, the State Plan, the Program Announcement, or the lists.

Utilities testified that arranging activities beyond list distribution will be burdensome. Cases where materials are in short supply or contractors are unavailable were raised. The question was raised as to how much effort a utility must expend before its obligation to arrange is satisfied. It was suggested that arranging activities be limited to the arranger's heating customers to reduce

the costs associated with arranging. Utilities testified that arranging activities are outside the utility's area of expertise, and that such activity is more appropriately performed by the customer. Utilities testified that the prohibitions relative to anticompetitive activity make it difficult to provide any service beyond list distribution.

Various proposals for a definition of the scope of arranging were made. In addition to the suggestion that arranging be limited to the distribution of State-prepared lists of installers, commenters suggested that arranging be defined as billing, distribution of estimate request forms, answering telephone inquiries, and offering to forward audit results to three contractors the customer had selected. There were also suggestions that the entire arranging service be defined by the States or DOE.

Particularly where the utility provides installation services, contractors felt that utility arranging allows a competitor to control the flow of business. Utilities were sensitive to this concern of contractors. Neither contractors nor utilities wanted the utility to select contractors for customers. Contractors felt that the prohibition concerning unfair discrimination among contractors may not adequately safeguard against such activity.

The liability issue is discussed in the Preamble pertaining to § 456.106.

DOE has identified in § 456.308(b)(1) a minimum arranging service that the utility must perform. The service includes the utility providing the customers a choice between a list of contractors who have agreed to perform the installation for the auditor's estimated cost, or utility assistance to the customer in obtaining installation bids. In identifying this service, DOE is not requiring utilities affirmatively to seek out contractors who will agree to install at the auditor's estimated costs, although they may do so if they wish. Moreover, States may establish such a requirement. Absent such affirmative action by a utility, however, the burden is on the contractors to come forward and offer their services to the utility. If no contractor were willing to agree to install a particular program measure at the auditor's estimated cost or none came forward, the utility's arranging service with respect to that measure would only consist of assistance in obtaining bids. The mere distribution of lists of contractors, which is specifically required by NECPA, cannot be considered an arranging service. To encourage flexibility in the development of State Plans, however, § 456.308(b)(2) allows for States to propose in their

State Plans an alternative arranging service that provides a similar level of service to the customer as that otherwise required in § 456.308(b)(1).

The statute does not provide DOE the flexibility to require that arranging activities be offered exclusively to heating customers. Similarly DOE cannot ignore the statutory requirement for a utility to provide an arranging service, in addition to distributing lists.

Prohibitions relating to anticompetitive activities contained in the Proposed Rule have been retained in the Final Rule. These prohibitions against unfair discrimination among customers, suppliers, and installers are judged to provide adequate safeguards against anticompetitive activity.

The provisions prohibiting unfair discrimination among contractors or measures remain in Final Rule. Thus, the list of contractors willing to install measures at the audit estimates must be developed in a fair, open, and non-discriminatory manner. Any contractor on the Master Record willing to install measures at the audit estimate price should be included. It is not unfair discrimination among contractors to exclude those not willing to make installations at the audit estimate, and it is not unfair discrimination among measures, if some measures have contractors willing to install at the audit estimate and others do not.

#### *I. Arranging Financing—§ 456.309*

Over 169 people or organizations addressed various aspects of § 456.309 (arranging financing).

Comments focused mainly on the scope of arranging, the possible increased liability exposure that arranging provides for the utility, suggestions for provisions that would satisfy the arranging requirement, and utility financing of measures.

At least 32 commenters, mostly utilities, requested that the function of arranging financing be satisfied by the distribution of a State-prepared list of lenders. Some pointed out that placing the utility between a lender and a loan recipient requires the utility to become familiar with areas outside its scope of expertise. Others mentioned the confidential nature of a financing transaction. Mentioned most often by utilities, however, were the lack of a need for such arranging services and the liability exposure they present to the utility.

DOE received a number of suggestions as to what services should suffice, if arranging financing required an activity in addition to the distribution of lists. One suggestion was the utility compiling and certifying the list. Another

suggestion was for utility assistance in resolving the non-responsiveness of financiers. At least three persons suggested the distribution of loan applications. Forwarding a customer's name to three lenders was also proposed, as was a telephone inquiry response service. At least four comments proposed the distribution of printed information on shopping for loans as an adequate service. Dispute mediation was also offered. A number agreed that a definition of arranging was best left to the State.

At least 26 comments addressed utility liability. Some merely expressed concern over the perceived liability exposure. Others requested a specific waiver of liability in the rules, in the State Plan, as a precondition to the arranging service, in the Program Announcement, and on the lists.

A number of witnesses expressed concern over the amount of effort a utility must expend in arranging a particular loan. Instances where the credit standing of applicants inhibits the granting of a loan were raised. Another factor identified as presenting difficulty was the possible lack of availability of loan money in general. Also, some witnesses testified that some banks are uninterested in granting loans for smaller amounts. On the other hand, the Salt River Project reported financial sector interest in smaller loans.

One utility suggested that there be a minimum amount that the customer must want to finance before any arranging activity takes place. The New York State Electric and Gas Corporation requested clarification concerning whether a financing organization would be permitted to investigate an applicant's credit rating.

There were several requests that the Rule allow States to make provision for low interest loans to low income customers. At least eight utilities expressed concern over a possible requirement that utilities function as a lender of last resort. Many utilities wanted to have no involvement at all with financing. Some States and utilities were very interested in encouraging utility involvement in financing. TVA attributed a good part of the success of its program to the facilitating aspects of financing.

At least four utilities requested that the Rule prohibit a utility from selecting a lender. Two objected to distributing lists containing interest rates, noting the rapid changes of these rates and the administrative costs of keeping such lists current.

The liability issue is addressed in the Preamble pertaining to § 456.106.

In consideration of the suggestions received for a definition of arranging financing, DOE feels that the variety of comments received supports its initial position to allow States to fashion arranging services suitable for their areas. To clarify its intention, however, that arranging financing must consist of some positive effort on the part of the utility or home heating supplier to assist its customer in obtaining financing. DOE has added an explanatory paragraph requiring that this effort be something beyond the distribution of lists, the provision of other required benefits, and information on shopping for loans.

DOE does not believe it was the intent of Congress to subject utilities or fuel suppliers to provisions in the Truth in Lending Act (15 U.S.C. 160, *et seq.*) to which they are not already subject. Neither does DOE believe that Congress intended to establish a Federal requirement that utilities and fuel suppliers be lenders of last resort.

DOE also intended that a utility's arranging activity would take place in a spirit of reasonableness. Should financing money or willing lenders not be available, for example, it would not be reasonable to expect the utility to make continuing efforts to arrange financing for a particular customer. DOE assumes that all arranging activity will take place in agreement with standard procedures in the financial community regarding credit. DOE encourages to the maximum extent possible the inclusion of low income consumers in the RCS Program, including the arranging of financing. This is further discussed later in conjunction with coordination.

#### *J. Accounting and Payment of Costs—§ 456.310*

Over 120 comments were received regarding accounting and payment of costs under the RCS Program. Over 70 of these were submitted by utilities. Over ten comments were received from State and local government agencies. About 20 responses were submitted by public interest groups. The remaining comments came from contractors, manufacturers, home heating oil suppliers and private citizens. Seven associations representing gas or electric utilities offered recommendations. Suggestions were also received from associations representing contractors and community action agencies.

Over 50 comments were received which stated a definite preference for the method of payment to be used for audit costs. Two-thirds of those commenting on this issue recommended that the cost of the audit be charged directly to the customer requesting it. The remaining third felt that audit costs



should be expensed to all ratepayers. The effects of different treatments of these costs on business competition, on low income customers, and on customer response to the RCS program were discussed.

Several commenters questioned how the decision on audit costs would be made, and whose responsibility it would be to make it. The Minnesota Energy Agency suggested that each regulatory authority hold hearings in which all covered utilities would participate, after which the regulatory authority's decision on charging of audit costs would include all the utilities uniformly. One electric utility recommended that the utilities themselves should decide how to bill for audit costs. Several commenters agreed that the decision should be made by the utility regulating body.

Utilities accounted for the majority of comments which requested that audit costs be charged directly to the customer. Several commenters specifically stated that customers requesting on-site audits should pay for them. Three utilities felt that renewable resource audits should be charged directly to the homeowner. Commenters reasoned that individual customers should pay for the services they receive, and that if the costs were expensed, some ratepayers would be forced to pay for services from which they would not benefit.

Several contractors and one public interest group felt that utility expensing of audits would be unwise as it would give utilities an unfair advantage over auditors in the private sector. Phrases such as "eliminates contractors from competing," "encourages utility monopoly of audit business," and "will negatively impact small businesses," were used.

An oil supplier felt that utility expensing of oil furnace audits would put oil dealers at a competitive disadvantage. A public interest group expressed its fear that utilities' offering of free audits will monopolize the field yet not strongly encourage conservation. It recommended that utilities be required to reimburse small businesses and community organizations who perform audits at the request of individuals who do not want the standard utility audit.

Over half of the comments which did recommend the expensing of audit costs were submitted by public or consumer interest groups. Several commenters wanted audits to be provided free or at the lowest possible cost. Many commenters were concerned that the RCS Program would not provide for the participation of low income

homeowners. The South Carolina Association of Community Action Agencies stated that the involvement of low income customers is important because their homes are often the most energy inefficient. One State agency felt that expensing of audits would place an unfair burden on the low income ratepayer. Several public interest groups stated that charging the individual customer for the audit would severely restrict the participation of low income customers.

Another reason given for expensing of audit costs was its positive effect on encouraging participation in the RCS program. The Tennessee Valley Authority commented that if the audit was not expensed, customer participation may be low. A public interest group stated its belief that free or low cost audits would encourage greater response. Several estimates of RCS audit costs were provided. They ranged from a low \$50-70 estimate offered by the American Public Power Association to a high estimate of \$200.

The decision on how the cost of home energy audits is charged is reserved by NECPA to the State regulatory authority and to the nonregulated utilities. The Proposed and Final Rules reflect this legal requirement.

DOE is concerned about the effect of the impact of direct recipient payment for audits on the rate of customer response to the offer of an audit. DOE has been criticized by the Congressional Office of Technology Assessment, among others, for not setting higher objectives and energy savings goals for the RCS. Because the key decision of how the audits are paid for is not in its hands, DOE believes that it would be unrealistic to set goals which presume that audits will be free. On the other hand, DOE believes that the energy audit should be offered to customers at minimal or no cost to increase the response of consumers to the offer of an audit. DOE urges State regulatory authorities and nonregulated utilities to require that audit costs be largely or totally expensed.

Almost half of the comments which addressed duplication of audits endorsed § 456.310(c) of the Proposed rule. Several utilities strongly agreed that customers should only receive one free or subsidized audit. Two utilities said that customers should be limited to only one audit, regardless of payment method. An association representing gas utilities suggested that a customer requesting a second audit within a twelve-year period should be required to pay for it directly.

Several utilities discussed the need for coordination among utilities. It was

suggested that the State Plans identify procedures for ensuring that audits are not duplicated. One electric utility said that the State should control audit requests and assignment to utilities, unless the utilities can form a cooperative organization to handle them.

NECPA requires each utility to offer and upon request to provide an audit to each of its eligible customers. Therefore, DOE believes that duplicate audits cannot be eliminated. DOE agrees, however, that no customer should obtain more than one subsidized audit. Again, the method of payment for audits is in the discretion of the State regulatory authority or the nonregulated utility.

Specific recommendations were received for alternate or additional accounts to be used in charging RCS costs. Four electric utilities suggested that Account 907, Supervision, be added in order to accurately reflect the supervisory expenses incurred in administering the program. A utility with a grandfathered financing program stated that using Account 124, Other Investments, instead of Account 908 would provide utilities the opportunity to earn a reasonable rate of return on loans made.

Several comments stressed the need for rapid recovery of costs. One gas utility felt that the Final Rule should establish minimum standards for cost recovery.

The Federal Energy Regulatory Commission is planning to publish revisions to the Uniform System of Accounts as prescribed in Title 18, CFR Parts 101, 104, 201, and 204. These revisions will establish separate accounts for the RCS Program. Prior to these revisions, utilities should use the accounts listed in the Proposed Rules, and the Final Rule reflects no changes in the designated accounts.

A few commenters recommended alternate methods for treating costs associated with the Program Announcement, the installation of Program measures, and the interest on utility loans. One electric utility objected to provisions that costs treated as a current expense shall be charged to all ratepayers. That utility felt that only residential ratepayers should be obligated to pay for RCS Program services.

A State agency urged that maximum flexibility be provided in the assigning of costs. Several utilities indicated that no mention should be made in the rules of the method to be used in handling costs of post-installation inspections and conciliation conferences. It was felt

that decisions on these Program elements should be left to the States.

The requirement that those costs treated as expenses in the RCS be charged to *all* ratepayers is contained in NECPA. Therefore, no change is made in this requirement in the Final Rule. DOE has clarified that the costs associated with billing of loans are included in the administrative and general expenses which can be expensed, upon approval of a State regulatory authority.

Although a number of commenters requested that DOE remove random post-installation inspections and conciliation conferences as allowable administrative expenses, DOE has retained this language. DOE's concern is that, if utilities are assigned any responsibility for either post-installation inspections or conciliation conferences, the utilities be able to recover the cost incurred. However, it should be made clear that DOE is not, by providing for these items, recommending or requiring that States assign any or all of the responsibilities for post-installation inspections or conciliation conferences to utilities. The State has complete flexibility to determine how and by whom the activities are carried out.

DOE agrees that costs incurred by a utility in carrying out its RCS responsibilities should recover its costs in a reasonable time. However, DOE does not believe it should establish specific requirements for the regulatory authorities.

The Department of Public Services, State of New York, requested that the requirements of § 456.310(b)(5) that allow interest on a loan made by a utility to be expensed only if the regulatory authority determines that such treatment will lower the rates for all ratepayers be broadened to allow interest to be expensed if permitted under an existing State law. The language of § 456.310(b)(5) comes directly from NECPA and only provides for the expensing of loan interest as a result of a determination by a State regulatory authority. However, DOE believes the New York Department of Public Service will find a remedy for its concern in § 456.506(b).

The following reasons were often cited for not requiring a single bill: (1) It would be very costly for many utilities to redesign existing accounting systems and computerized billing programs; (2) some State laws prohibit the inclusion of any other charges on utility bills; (3) customers may misinterpret the additional charges; and (4) it would increase the possibility of billing errors and hinder compliance with the dispute resolution procedure.

Many suggestions were made concerning formats and mailing procedures. The following billing methods were recommended to accommodate RCS charges and loan payments: (1) single-line billing on the utility bill; (2) loan billing on a separate sheet of paper (either in the same envelope with the utility bill or in a separate envelope); (3) inclusion of a bill prepared by the lending institution in the envelope with the utility bill; and (4) a coupon booklet for loan payments.

Many commenters indicated that a separate bill for loan payments sent at the same time each month would be preferable. The Pacific Power and Light Company stated that this method "eliminates the need to calculate the monthly interest charges to agree with the varying dates the periodic utility bill arrives." The Consolidated Edison Company of New York stated that "there is no inconvenience to a customer to receive a separate bill for a service which is totally separate and apart from his utility service." Several utilities also noted that this billing method would be easier to coordinate with existing installment payment plans.

DOE acknowledged, early in the public comment period, that providing of RCS charges or repayment of loans as part of the periodic bill for utility service (as required in NECPA, Section 215) would require adjustment to the utility's billing system and the format of bills. Consequently, DOE asked utilities which raised this concern in public hearings to provide supportable estimates of the costs associated with meeting this requirement. Although initially all of the utilities which were asked to provide this information agreed to do so, few utilities provided the Department such information. Most of the utilities which did provide estimates provided supporting data which allowed the Department to judge the potential burden of the requirement. Consequently, in the Final Rule, DOE allows RCS program charges and/or repayments for loans to be billed as a part of the periodic bill for utility service or on a bill separately rendered by the utility. However, each charge or loan repayment must be listed separately on the bill and the customer must be able to submit one payment which would cover RCS charges, loan payments and utility service.

The Proposed Rule indicated that payments received on utility bills which include RCS Program charges would first be charged to pay for utility service, with the excess credited to other charges unless the customer requested an alternative distribution of payments.

Utilities asked that an alternative distribution not be allowed. One gas utility suggested that lenders could require a customer to request an alternative distribution of payments in order to insure that their loan is repaid. An electric and gas utility noted that separate billing for utility service and loan payments would eliminate the need to decide where partial payments should go.

The Final Rule retains the requirement that payments be credited first to utility service, unless the customer requests otherwise. DOE believes that it is reasonable for a customer to have the discretion to designate the distribution of payments to the utility between utility service and loan payments. If the customer submits less than full payment and chooses to designate that the loan payment be covered, he or she may, of course, jeopardize utility service. The "no cut off of utility service" provision is a prohibition in NECPA and cannot be changed, but does not apply if the customer's payments are inadequate even to cover the cost of utility service.

#### *K. Billing of Costs, Repayment of Loans and Termination of Service—§ 456.311*

Of the more than 140 comments received which addressed § 456.311 of the Proposed Rule, almost 100 were from utilities. The American Public Power Association and several other associations representing electric utilities, as well as the American Gas Association and the North Carolina Oil Jobber's Association offered recommendations. About 15 comments were received from State agencies and public utility commissions. A few responses were also received from contractors, manufacturers, public interest groups, and private citizens.

Over 85 of the 145 comments received addressed the subject of billing format.

Much confusion was expressed about the requirement in the Proposed Rule that RCS costs which are charged directly to a customer and included on the utility bill must be stated separately from the regular utility service charges. Commenters were concerned that the Final Rule might require all RCS charges and loan payment charges to be listed on the same bill.

Nearly every comment received on this topic urged that utilities be allowed the option of sending a separate bill listing RCS charges and loan payments.

Several utilities felt that a three-year repayment period for loans as provided in the Proposed Rule would be unreasonable in many cases. A number of recommendations were made concerning repayment of RCS loans. These included: (1) providing longer

repayment periods for larger loans; (2) establishing a minimum for RCS loans of \$100; (3) requiring a minimum loan of \$300 to qualify for a three-year repayment period; (4) limiting RCS loans to a maximum of \$1,000 with a five-year repayment period; (5) allowing "equal payments" over a three-year repayment period; and (6) setting a minimum monthly payment.

The Puget Sound Power and Light Company asked whether a requirement for repaying a loan over three years would conflict with their grandfathered financing program which allows payment at the end of 10 years.

DOE believes it is reasonable for a utility to set a minimum repayment amount and the Final Rule contains a \$5.00 minimum for the amount of monthly repayment. However minimum loan levels (e.g., \$100 loan) have not been added and the three-year loan term has been retained because of NECPA requirements. The three-year repayment provision is a minimum and therefore may be exceeded. As a result, 10-year loans as cited by Puget Sound Power and Light would be permitted.

The Proposed Rule provided for the repayment through the utility bill of loans made by other lenders. Slightly over half of the respondents commenting on this issue stated that it would be acceptable for utilities and home heating suppliers to provide a billing service, but only under certain conditions.

The most frequently mentioned condition was that the utility be reimbursed for any costs incurred in bookkeeping, transmittal of payments, processing, collection and coordination. Two utilities merely stated that the regulations should provide for recovery of these costs. The utilities stated that they should be allowed to charge lenders a fee for handling loan payments. Three of these noted that it would be inappropriate for utility ratepayers to absorb administrative costs which would otherwise be borne by lenders.

Many commenters felt that the utility should only act as a billing agent with no responsibilities for collecting overdue loan payments and no increased liability exposure. Several felt that utilities, as well as lenders, should have the option of participating or not in such an arrangement.

One third of those commenting on this issue reacted negatively to the proposed requirement. Many comments were received which stated that the utility should not serve as a "collection agent for lending agencies", and that "all loan payments should be made directly to the lending institution."

Several commenters expressed doubt that many lenders would want utility billing and collection. They also felt that the additional cost and administrative burden imposed by this requirement may decrease the number of home heating suppliers willing to participate in the RCS Program.

This provision is required by NECPA and therefore is retained in the Final Rule. However, in response to comments received from utilities asking that they be permitted to expense billing costs, DOE has included billing costs as a part of administrative and general expenses. These expenses may be expensed or charged to the customer receiving the service at the discretion of the State regulatory authority or nonregulated utility. Further, because the Proposed Rule did not specifically address whether utilities could charge lenders a fee for providing a billing service, such an arrangement was not prohibited nor does the Final Rule prohibit such an arrangement.

The Proposed Rule provided a dispute resolution procedure for alleged billing errors. One State agency and one public utility commission expressed support for these procedures. The Federal Trade Commission strongly urged their retention. Two electric utilities felt that they were "inappropriate" and should be deleted. One of these felt that billing disputes concerning utility loans could be resolved through public utility commission procedures and that existing banking and consumer protection laws are adequate in cases involving loans made by financial institutions. Edison Electric Institute recommended that the regulations specify that normal procedures for resolving billing errors be used whenever possible. One utility stated that details of the procedures should be left to the States.

Several gas utilities stated that the responsibility for resolving disputes should clearly be that of the creditor, not the biller. One utility wanted the Rule to clearly indicate that billing dispute procedures apply only to repayment of loans and not to billing for actual energy usage.

The American Gas Association and four gas utilities recommended that procedural guarantees relating to billing dispute resolution be included on the initial bill only, rather than on each monthly bill.

Several utilities recommended reducing the notification period for billing disputes from 90 to 30 days. It was felt that a 90-day period would cause errors to compound and result in more time and money being spent to correct them. One electric utility

recommended that a customer notify the lending institution as well as the utility. A public service commission felt that one initial contact, with the utility, is appropriate because the utility may also be the lender; this would provide for a consistent method of contact for all customers.

The billing error requirements contained in the Proposed Rule have been eliminated in the Final Rule. Those requirements, based on Regulation Z, are more appropriate to open-ended credit plans. Moreover, the conciliation conference procedures would be applicable to such disputes. Utilities have an interest in resolving their customers complaints with respect to billing and are likely to provide appropriate dispute resolution mechanisms. States, of course, could require specific mechanisms.

A number of comments were received which indicated concern about non-payment problems with RCS loans. Clarification was sought on the role of utilities in collecting overdue loan payments and in serving as lenders to customers whose service has been terminated.

The majority of the commenters responding to this issue agreed with an electric utility's statement that "the responsibility of the utility should be limited to handling the collection of current accounts only, with the lender being responsible for collection of any past due accounts," including the sending of overdue notices. Three electric utilities concurred with the Edison Electric Institute's position that "any deficiency in periodic payments," except in the case of billing error disputes, should "automatically terminate any agreement and/or further obligation on the part of a covered utility for future processing of loan payments." Collection of the arrears would become "the sole responsibility of the lending institution."

Several utilities sought clarification as to their responsibilities in the event of regular service termination. One pointed out that customer moves are a major source of bad debt losses and that it is not appropriate for a utility to be a lender for persons no longer receiving their service. The Tennessee Valley Public Power Association recommended that the utility be permitted to require acceleration of loan payments when customers terminate utility service. Another utility stated that if a customer's service is terminated for nonpayment of the utility bill, the utility should not be required to continue collection of loan payments.

A State agency and a utility supported the provision in the Proposed Rule

whereby a customer's utility service cannot be terminated as a consequence of default on loan payments. However, several other respondents expressed concern about the effects of this prohibition. A gas utility felt that without the possibility of service termination the customer would have no incentive to repay loans. A manufacturer stated that the prohibition would make the RCS loans less secure.

Although the utility billing requirements are drawn directly from NECPA, utilities do not have to provide a collection service for delinquent loans. The utility role is only that of billing agent. Nonpayment problems on loans may be returned to the lender for collection. Neither the Proposed Rule nor the Final Rule addresses the handling of the utility's responsibilities for loan collection in the event of service termination by the customer. State Plans may include such procedures.

#### *L. Listing—§ 456.312*

Over 125 comments concerned the listing of suppliers, contractors, and lenders.

The issues involved with listing are quite complex, requiring a balance among competition, consumer protection, program participation, and equity. DOE has closely examined the requirements in light of the many comments received and has determined that some changes may increase Program effectiveness. These changes have been incorporated in this Final Rule.

Approximately 40 comments addressed the possibility that excessive requirements would inhibit voluntary participation in the Program. Most people felt the excessive requirements would cause the best firms not to participate in the Program. One utility stated that there is not enough additional business available to an installer as a result of the RCS Program to cause the installer to submit to the requirements.

DOE is extremely interested in the active participation of contractors in the RCS Program. The principal factor causing commenters to feel that the listing requirements were excessive concerned the difficulty of complying with the materials and installation standards. The standards have been reconsidered, and as discussed in later sections of this Preamble, have been modified. DOE is confident that these standards reflect accepted good industry practice. It is anticipated that these standards will not impede voluntary participation by contractors.

Most commenters strongly objected to the requirement that the contractor send

a copy of this contract to the utility that arranged installation. The commenters felt this was costly and unnecessary. The utilities were afraid that requiring contractors to submit all copies of contracts to covered utilities or home heating suppliers was an "invasion of privacy," and put them in a "jeopardous situation" subject to lawsuits from contractors and customers. One State agency stated that "this only encourages contractors not to want to be a part of the RCS Program." Several commenters suggested that the contracts be kept by the contractor and be made available to the State. One utility suggested that contractors notify the State of the measures installed, giving the name, address, and identifying list number for each customer.

The requirement that the contractor submit to the utility or home heating supplier a copy of all contracts for arranged installations has been removed from the rule.

Several people recommended adding additional criteria for being listed on the Master Record, such as requiring that listed firms be licensed and that installers be bonded and covered by insurance. The Insulation Contractors Association of America strongly urged bonding for installers to assure the purchaser adequate protection against incompetence and abuse.

Adequate bonding of contractors has been added as a listing requirement in the final rule. As described in § 456.312, the State may determine the level of bonding required. Section 456.312 provides for the State to add additional listing requirements appropriate in its State, if approved by DOE.

The American Bankers Association (ABA) commented that requiring rebating on the actuarial basis is unduly restrictive. ABA also claimed that lenders are unlikely to support the Program if additional disclosures are required, especially since duplicate statements are already issued by the Federal Reserve Bank. Some comments were received on securing loans with real estate property. Most of the commenters agreed that the customers should be made fully aware of the consequences if a secured loan is not repaid.

DOE agrees that requiring rebating on the actuarial basis is unduly restrictive and has removed this requirement. The disclosure requirement is retained. If such a disclosure is already being provided by a lender, the listing requirements create no need for an additional disclosure. DOE believes the disclosure is a necessary protection for borrowers.

The Proposed Rule stated that a Listing Agency will be responsible for the preparation of the Master Record. A majority of the commenters requested that this Listing Agency be a State agency. Most commenters felt that utilities or home heating suppliers would not be capable of listing all suppliers, contractors, and lenders. Commenters also thought a State agency would have better access to information concerning unreliable firms. Several respondents mentioned that the preparation would be costly and suggested the State receive funds if it was to be the Listing Agency. One State agency cited the inclusion of suppliers on the list as being particularly burdensome because every "hardware store, catalog supply house, and department store" in each State would have to be included. One solution to this, suggested in several comments, was that the yellow pages would be a better list and more cost-effective. A few State agencies preferred that utilities be the Listing Agency but under procedures set by the State. It was suggested that utilities connected with insulation companies not be allowed to participate in the preparation of the Master Record. One other suggestion was that an independent board of contractors should be the Listing Agency. Many commenters wanted telephone numbers on the lists in addition to names and addresses. Also suggested for inclusion were interest rates, loan fees, minimum financing terms, monthly payments, and alternative modes of financing.

Most comments recommended that the States should be responsible for updating the lists, but that DOE needed to set up a reporting system for updating the lists. Most respondents agreed that the update of lists needed to be more frequent than every six months. The respondents felt deletion and addition of names was very important, and therefore suggested updating the list monthly or even weekly.

Under the Proposed Rule, the States had the flexibility to designate any agency other than a regulated utility as the Listing Agency. The Final Rule is unchanged in this respect. DOE has amended the Rule, however, to permit the Listing Agency to assign duties to any entity, including utilities, to assist in the preparing of the Master Record in accordance with criteria and procedures established by the Governor or his designee. However, the Listing Agency may not assign duties to persons who compete with persons who may seek inclusion in the Master Record. The Governor or his designee must review the lists prepared by the Listing Agency,

if it is not a State agency, for conformance with his criteria and procedures. The ultimate responsibility for the Master Record remains with the Governor or his designee.

States may desire to include on their lists of suppliers, contractors, and lenders other information not specified in DOE's minimum requirements. There are numerous items of information that may be useful to consumers in their shopping decision. Section 456.312 specifies that any information the State does desire to include on its list must be described in the State Plan. In its review process, DOE will determine whether the items of information are unfair, deceptive, or anticompetitive or adverse to the RCS Program. Included in this determination will be a consideration of whether this information must be provided by suppliers, contractors, or lenders which want to be included on the lists and whether inclusion of such information would deter their participation. In addition, § 456.312(c)(2) specifies that a listing agency that allows one supplier or contractor to include information concerning types of measures to be included on the lists must allow information on all types of that measure.

The concern that lists be updated quickly has prompted DOE to alter the list updating requirement. The new requirement is contained in § 456.312(c)(5) which specifies that the utility must update its working lists every 30 days. This does not necessarily mean that a whole new list must be printed every 30 days. Addendum sheets may be provided instead.

The majority of respondents requested that a penalty period be imposed on delisted firms prior to relisting. Several commenters felt that delisting of firms should be done only by the Listing Agency. It was suggested that the Listing Agency should delist firms that have not filed contracts in a specified time period. Other commenters felt there should be mandatory delisting after two violations.

The Proposed Rule did not address the relisting of contractors who have been removed from the lists. As amended, § 456.312(a) (3) through (5) makes clear the State's prerogative to establish delisting procedures and to handle delisted contractors in a manner that it considers appropriate.

Most respondents strongly felt that utilities would be unfairly subject to lawsuits from contractors and customers. Most suggested that either a "waiver of liability" or a "hold harmless clause" should be included in the Final Rule. The utilities did not want the customer to have recourse to a utility for warranty

of installation of a conservation measure unless the utility had installed the measure. Most commenters agreed that utilities should not be held responsible for the work performed by independent contractors or the financing acquired from lending institutions listed on the Master Record.

The issue of liability is discussed in § 456.106 of this Preamble. Further, the three-year warranty requirement has been clarified in the final rule to be a warranty of the manufacturer or the contractor.

#### *M. Postinstallation Inspections— § 456.313*

Over 200 people chose to comment on postinstallation inspections.

Nearly one quarter of the commenters (44) specifically requested that the random inspection requirements be eliminated. Utilities, by far the largest group of respondents, made this recommendation most frequently; however, some State and local Government agencies also suggested this option. On the other hand, 28 commenters expressed support for the random inspections as well as the mandatory inspections as necessary to ensure the quality and safety of installation under RCS. The most common objections to the inspections were that they are not required by NECPA and are contrary to its intent, that they are too costly, and that adequate procedures already exist. However, over 100 commenters accepted some form of check on the quality of installation. Some utilities suggested that visual inspection by the customer should be adequate, while others recommended a mailed customer survey to determine customer satisfaction. A number of additional respondents did not specifically request elimination of this provision of the Rule but did indicate that existing procedures should be adequate.

Although recognizing that the post-installation requirement is a potentially costly provision of the Final Rule, DOE believes such inspections are necessary to ensure that installation standards and other listing requirements are being met. In the hearings in conjunction with the proposed rulemaking, DOE repeatedly inquired whether commenters felt that code inspections usually addressed insulation and other conservation measures. Commenters, for the most part, acknowledged that there was a need for such inspections and that existing building inspections did not address energy conservation measures in existing residences. The potential for faulty installations was discussed in the Preamble to the Proposed Rule as were

the consequences related to improper installation, which included fire, structural damage, or reduced effectiveness of the measure. A further discussion of these concerns is presented in Part X of this Preamble where specific studies showing the amount of faulty installations found in several parts of the country are cited. DOE found no evidence in the comments to counter these concerns. Consequently, the requirement for post-installation inspections is retained in the Final Rule.

A number of commenters, including some of the same people who recommended eliminating the inspection, suggested that the State or local building code inspectors should perform the inspections if they are to be required by the Rule. In addition to the cost savings of this alternative, commenters pointed out that these inspectors would already be trained.

However, one State took a contrary position, pointing out that city and county inspectors experience frequent turnover and are trained only for safety inspections rather than for the safety and effectiveness inspection as required by the Program.

No group wanted to assume responsibility for the inspections. Utilities objected to the costs and manpower requirements. They also expressed concern about being exposed to increased liability and facing prolonged customer law suits. Those utilities who did not recommend local building code inspections generally suggested that the States or unspecified government agencies should be responsible. Some of the utilities who recommended State agencies stressed the importance of having the inspection completely independent of the audit procedure. Only a few of the States commented on this issue; those that did, however, usually wanted utilities or local government agencies to do the job.

States were particularly concerned about having adequate flexibility to develop procedures concerning post-installation inspections. Several States specifically requested that they be allowed to determine the nature and extent of the inspection. A few utilities made similar requests.

The Final Rule retains the requirement that the States provide procedures for post-installation inspections. As in the Proposed Rule, the State may determine which entity or entities will conduct the inspections. Although several utilities suggested that States be prohibited from assigning the post-installation inspection responsibilities to utilities, DOE believes this could unduly restrict the States's ability to develop an



adequate post-installation inspection program.

A number of the respondents were concerned about the nature and extent of the random inspections. There were a few general comments either supporting or opposing random inspections, or suggesting some limitations. However, most of the comments dealt with the percentage of the sample to be inspected. There was a wide range of numbers recommended. Among the most stringent was the Tennessee Valley Authority's recommendation of 100% inspection of all measures.

The most commonly recommended percentage was 5%. One utility recommended inspection of 5% of those installations which the customer cannot visually inspect himself. Several commenters suggested a reduction in the percentage required without specifying the amount. The only other percentage mentioned with any frequency was 10%. However, there were several variations on these numbers. It was commonly recommended that 100% of all complaints or customer requests received should be inspected. The Idaho Power Company recommended 100% inspection of installations during the first three months of the program and minimal inspections thereafter.

Several utilities objected to the 100% mandatory inspection of vent dampers, electric ignition systems, and wind energy systems as being unnecessary and costly. However, at least one State agency urged these inspections for safety reasons. The American Wind Energy Association urged inspection of 100% of wind system installations.

DOE has attempted in the Final Rule to reduce the coverage, the extent and, therefore, the costs associated with post-installation inspections consistent with the need for quality control. In summary, the Final Rule requires:

1. 100 percent post-installation inspections of vent dampers, electric ignition systems and wind energy systems.
2. Random inspections of ceiling, wall and floor insulation; active domestic solar water heating systems and solar active heating systems. For these measures, four of the first ten installations by a contractor must be inspected. This requirement is measure-specific that is, if a particular contractor installs ceiling insulation, floor insulation and solar water heating systems, 4 of the first 10 of his installations of each measure must be inspected. Ten percent of all installations of these measures must be inspected, but the four-of-the-first-ten inspections may be counted toward the ten percent requirement.

3. All listed contractors who install measures for which there are installation standards would have to be inspected, on a random basis, at least once during the life of the RCS Program. If, in that inspection, violations of the listing requirements (e.g., standards) were found, an additional inspection of the contractor would be required.

Existing inspections required and carried out by a locality, State or utility, to the extent to which those inspections check conformance with installation standards covered by these inspection requirements, may suffice partially or fully to meet this requirement. The Final Rule, like the Proposed Rule, makes no requirement or suggestion as to what entity or entities should conduct these inspections. In addition, if States decide to offer, directly or indirectly, post-installation inspection service to any eligible customer who requests such an inspection, the inspections conducted in response to customer requests can be counted toward meeting the post-installation requirements in 456.313(b).

DOE retains the State's ability to reduce the required 10 percent of random inspections upon demonstration that the level of random inspections required by the Final Rule is no longer necessary.

Finally, it should be noted that post-installation inspections are required only with regard to those installations which occur in the circumstances described in the State Plan pursuant to Section 456.305. These circumstances necessarily include all "arranged" installations, but may include other situations at the State's discretion.

DOE believes that these reduced post-installation inspection requirements will ensure quality installations, while significantly reducing the costs of providing inspections.

#### *N. Qualification Procedures—§ 456.314*

Over 145 comments addressed the requirements for qualifications of auditors, installers, and inspectors. DOE has carefully considered the qualifications requirements for auditors, installers, and inspectors in light of the comments pertaining to qualification and other related sections.

Of the requirements contained in § 456.314, the one that generated the most comment was the requirement for auditors to be qualified in all the areas enumerated. As mentioned in conjunction with § 456.307, utilities are not interested in performing audits of homes heated by a fuel other than the one they distribute; likewise, they are not interested in training auditors to perform audits of furnaces fired by another fuel. In particular, the

requirement that auditors know how to measure flue gas temperatures and how to calculate the steady state efficiency of oil fired furnaces was described as unnecessary. Several utilities mentioned the relative sparseness of oil heated buildings outside the Northeast as adequate reason not to require all auditors to be able to audit all types of furnaces. The New England Fuel Institute offered training to those wishing to become qualified in the area of oil furnace audits.

DOE is concerned that all eligible customers receive a complete audit of their residences upon request. Similarly, DOE is concerned that auditors possess the qualifications necessary to carry out the audit. However, it seems reasonable that some auditing functions that are requested only infrequently and that require specialized equipment and skill might best be handled by specialists, and the Final Rule reflects this. However, a utility receiving a request for an audit must have auditors available who can perform that audit. The utility is free to make any arrangements it chooses to assure that these auditors are available. For example, a utility may want to contract with an oil dealer to provide its oil furnace audits.

One utility objected to the requirement that the auditor be familiar with the installation standards for program measures. Another objected to a requirement that the auditor be familiar with the different types of program measures.

DOE feels that a general knowledge of the installation standards contained in the Final Rule is necessary for the auditor to be able to conduct the audit knowledgeably, as well as to be able to answer questions on do-it-yourself installation. A general knowledge of the different types of program measures and their relative advantages and disadvantages is necessary to explain the options available to a customer. A "general knowledge" does not in our view indicate the same high level of understanding that "familiarity" would mean.

Several commenters, including the Insulation Contractors Association of America, placed strong emphasis on stringent auditor qualifications, since the success of the program is intimately linked to a properly performed audit and the information conveyed to the customer.

The National Bureau of Standards suggested adding a requirement that auditors, installers, and inspectors be familiar with applicable Federal, State, and local laws, codes, and regulations governing energy conservation, building

construction, and life and safety safeguards in residential construction. Other commenters suggested that installers should be familiar with State and local building, mechanical, electrical, plumbing, gas and fire codes. An insulation contractor testified that it is "ridiculous" to require applicators to have extensive knowledge of building codes, mentioning that finding installers who can perform their jobs well without constant supervision is difficult. Union Electric suggested adding a requirement for personal integrity. Eugene Water and Electric argued that DOE should prescribe an auditor training curriculum. Rockwool Industries emphasized the importance of consistent methods of qualifying and certifying auditors throughout the country. The National Rural Electric Cooperative Association proposed that a qualification procedure be provided for auditors and installers.

At least three groups stated that the rules require too much technical expertise on the part of auditors. At least 10 commenters felt that the states should have more flexibility to develop qualification procedures. There was one request that utilities be permitted to provide in-house training without the requirement for certification by another party. Washington State Energy Office asked for clarification as to whether States must certify auditors.

Several commenters suggested requiring all auditors to be knowledgeable concerning solar design techniques. In the same vein a commenter suggested adding a requirement that the auditor be able to screen for a renewable resources audit. Several utilities commented that it will be difficult to find auditors who can perform the renewable resources audit.

DOE believes that, since the RCS Program is a State-administered Program, States must have maximum flexibility to respond to State-specific circumstances. DOE therefore believes it is inappropriate to specify in any greater detail the qualifications requirements for auditors, installers, and inspectors. It should be noted, however, that nothing in these Rules removes the requirement for installations to be performed in conformance with applicable State and local laws, codes, and regulations. In addition, the listing requirement of Section 456.312(b) requires contractors to install particular measures in conformance with the Installation Standards in Subparts G and I and by extension this implies contractor familiarity with appropriate installation practices.

A number of people objected to requiring auditors to be familiar with energy issues. On the other hand, at

least one witness advocated such familiarity.

Auditor familiarity with energy issues is desirable from the standpoint of the auditor motivating consumers to take action. However, such familiarity does not contribute to the accuracy and validity of the audit and has been eliminated as a Federal requirement. DOE strongly encourages that auditors possess such familiarity.

Commenters expressed some confusion regarding whether or not one auditor has to conduct an audit of energy conservation measures, oil furnaces and renewable resource measures.

DOE in the Final Rule requires only one audit. However, this audit could be performed by several auditors. The utility must ensure, however, that the homeowner requesting an audit receives an audit of all applicable measures. Audits of measures must be performed by auditors who are qualified to audit for the measure(s). For instance, if an electric utility is requested by an oil-heated customer to conduct an audit, an employee of the utility might perform the audit of energy conservation measures and, through contract, audit renewable resource measures and the oil-fired furnace.

#### *O. Complaints Processing Procedures—§ 456.315*

This section of the Proposed Rule defined the minimum content of State Plans for resolving complaints or allegations of injury which arise as a result of the Program. More than 50 people or organizations commented on this section. State agencies and utilities made nearly all the comments.

Over half of the commenters said that the Rule should allow existing State procedures to satisfy the consumer complaint requirements of NECPA. These commenters generally felt that States should have the flexibility to determine what types of procedures were adequate. It was suggested that a State's existing or proposed procedure should not be rejected by DOE simply because it failed to meet one of the criteria in the Rule.

Several utilities said that State agencies rather than utilities should handle the consumer complaint procedures. A few States mentioned that they do not have adequate funds to carry out the complaint resolution procedures, particularly if they are to be free to the customer. A few commenters said that consumers should not have two separate opportunities to resolve complaints, and others said that consumers should be required to go through the informal complaint

procedures before the redress procedures.

Many commenters emphasized that existing State procedures should be adequate to meet NECPA's requirements. Several pointed to Section 213(c) of NECPA to support their contention that the Governor should establish the redress procedures as he or she sees fit. Many States were concerned that their small claims courts would not meet the procedural criteria of the Proposed Rule, often because of dollar limitations on those courts' jurisdiction. At least two commenters asked that redress procedures be allowed to include informal rules of evidence.

The minimum requirements for consumer complaint procedures and redress procedures have been reduced in the Final Rule, although the basic requirements for two procedures is retained. NECPA clearly separates the two procedures: one is to be available for complaints against persons who install or sell measures under the Program; the other is for anyone alleging injury under the program, particularly contractors who feel they have been unfairly treated in the listing procedures.

Paragraph (a) of § 456.315 establishes the minimum requirements for resolving consumer complaints. DOE's intent is that this procedure should be informal. Therefore the language of this paragraph has been changed to allow the entire procedure to be conducted over the phone. States may choose to include meetings with the consumer, or inspections of the installed products, as part of the procedure, but this is not a requirement of the Rule. Though several commenters asked that existing State procedures suffice, DOE received no comment which suggested that our minimum criteria could eliminate any existing State consumer protection mechanisms. Existing procedures meeting the requirements of this Section need not be duplicated.

The Rule does not require that the complaint actually be resolved. Rather, it assures that the consumer has a free and easily accessible process through which a State-designated, impartial party will make a reasonable attempt to resolve the complaint.

DOE sees no reason to limit the State's flexibility by prohibiting the designation of utilities to perform this function, particularly if the State has no funds with which to perform this function. DOE intends that any utility which acts as conciliator not be held liable, by virtue of its role as conciliator, in any cause of action between the customer and the contractor, seller, or financial institution.



DOE believes that it is important to allow consumers to have access to the informal complaint resolution procedures, as well as the more formal redress procedures. Many legitimate consumer complaints will never be raised if only formal procedures are available. A successful complaint resolution procedure may prevent many complaints from reaching the more costly redress procedure stage. The Federal Trade Commission, with whom DOE was directed by NECPA to consult, strongly endorses these provisions of our Rule as necessary to assure consumer confidence in the services offered through the RCS. States may add other persons besides consumers to those eligible for these informal procedures.

Paragraph (b) of § 456.315 has been modified to accommodate most, if not all, existing State procedures to provide redress for persons alleging injury under the program. NECPA clearly states in Section 213(c) that this procedure is to be available to any person alleging any injury, including consumers, contractors, lenders, and any others. DOE will approve any procedure which meets the ten criteria in Paragraph (b) of § 456.315. In addition, DOE will approve substantially equivalent existing procedures which the State demonstrates meets most of these criteria and which would be costly or difficult to amend.

Paragraph (c) of § 456.315 has not been changed.

#### *P. Coordination—§ 456.316*

This section defined the minimum content of the State Plan with regard to coordination of the RCS Program with other conservation programs, among energy suppliers, and with the State Regulatory Authority. Sixteen people or organizations commented on this section.

The Government of the District of Columbia commented that mere coordination of programs was insufficient—that integration of the various conservation programs would provide the most effective use of program funds. The Penquis Community Action Program commented that the coordination of the RCS Program with ongoing programs is not well outlined, and recommended mandatory coordination with community action programs.

The American Gas Association (AGA) and others testified that the program coordination requirement should not be interpreted to require utility involvement in administration of local, State, and Federal energy conservation programs. In addition, AGA suggested limiting

program coordination to those programs affecting the same class of customers as the RCS Program.

The Ohio Department of Energy testified that the State's responsibility to assure fair prices and interest rates and identical audit results necessarily implies that a coordinated pricing mechanism is inevitable.

DOE supports any effort on the part of the States to coordinate the various energy conservation programs so their total effectiveness is enhanced.

DOE mandates that conservation programs under the purview of the Department are coordinated. This is necessary to assure adequate implementation of the RCS Program as well as DOE's other programs. It is DOE's position, however, that States can best determine the other programs in their States that should be coordinated and how coordination is best accomplished, and declines to further specify the State's activity.

The State may determine that coordination among energy suppliers will increase the efficiency of the administration of the RCS Program. DOE believes that it is possible to have a coordination effort that does not result in price collusion. Paragraph (b) of the Proposed Rule was included to underscore DOE's concern that, should the State decide to allow or require supplier coordination, the State must also specify the procedures for coordination that will prevent price collusion. This paragraph is retained in the Final Rule.

#### *Q. Home Heating Suppliers—§ 456.317*

This section defines the minimum requirements for home heating supplier participation in the RCS Program. Sixteen comments addressed this section.

Representatives of the home heating supplier industry desired liberal requirements for home heating supplier participation. For example, there were requests that home heating suppliers be allowed to provide audits of furnaces only. There were also requests that the Governor be required to specify in the Plan the requirements that would be applicable to home heating suppliers, rather than the requirements that would be waived. The industry also requests that the Governor's waiver in consideration of the resources of small home heating suppliers be liberal and apply to classes of home heating suppliers rather than on a company by company basis. The Denver Office of Energy Conservation requested more flexibility to expand the waiver.

The Public Utility Commissioner of Oregon encouraged the participation of

home heating suppliers. A number of utilities wished that the participation of home heating suppliers be mandatory and that the requirements be the same as those of the utility. The U.S. Fiber Corporation objected to the home heating supplier participation in the RCS Program, claiming that there is not adequate protection against unfair competition.

There was one request to treat home heating suppliers as contractors and have them listed and delisted as they requested or problems developed. The Maryland Energy Policy Office expressed concern that the complexity of the Program requirements may inhibit home heating supplier participation. The Insulation Contractors Association requested the same opportunity to perform audits as the home heating suppliers were provided by the Proposed Rule.

The statute specifies that home heating supplier participation in the State Plan is at the option of the Governor. Should the Governor choose to include home heating suppliers in the Plan, the Governor must take their resources into consideration. The requirements specified in § 456.317(c) of the Final Rule may not be waived. These specific requirements are necessary even with respect to home heating suppliers to assure fair competition and integrity in the services provided. However, the Governor may waive any other requirements on a company-by-company basis or generically. For example, the Governor could decide to waive the requirement of a Program Announcement for all home heating suppliers in the State below a certain business volume.

DOE feels that the prohibitions concerning anticompetitive activities and unfair discrimination specified in § 456.317(c)(7), which may not be waived, provide adequate safeguards to prevent such activities.

NECPA provides for audits only by utilities and home heating suppliers. Installation contractors, however, are not prohibited from offering an auditing service to utilities and home heating suppliers on a contract basis. They would, of course, have to comply with the requirement detailed in § 456.307 regarding a disclosure of conflict of interest, as well as all the other requirements governing audits and auditors.

#### *R. Reporting and Recordkeeping—§ 456.318*

The majority of the comments received on reporting and recordkeeping stated that the proposed requirements were burdensome and duplicative. A

few comments suggested that the requirements should be tied more closely to the evaluation plan for the Program and that a sample set of data would be more appropriate than requiring a detailed report from each State. Several commenters recommended that the reporting requirements should be linked to some measure of Program success, such as energy savings, although several others specifically asked that DOE not require a measure of energy savings.

DOE has reviewed the proposed reporting requirements to determine if simple and less burdensome requirements could be established. The annual report is intended to tell DOE whether a State and its covered utilities and participating home heating suppliers are adequately implementing the approved State Plan. It will also provide information on the volume of activity generated as a result of the Program and will give an indication of the burden the Program imposes on the organizations administering it. DOE will use other mechanisms, such as surveys of sample utilities and/or case studies, to collect data for future Program evaluations. After considerable discussion, DOE concluded it would not be efficacious to establish a reporting requirement based on a goal such as energy savings.

DOE does not believe that the required information will be difficult or onerous to collect. DOE believes that utilities and States will probably keep many of these records for internal budgeting and accounting purposes without further incentive. However, DOE will allow States to propose in their State Plans a reduced level of reporting and recordkeeping for those items which the organizations would not otherwise track on their own initiative. Such a proposal will be subject to DOE approval.

A number of commenters recommended that specific items be removed from the reporting requirements, because they either duplicated information available from other sources or contributed little meaningful data. Some requirements were eliminated from the list in response to such comments. DOE chose not to drop other items, because DOE believes such information is necessary for DOE to determine whether the State Plan or Nonregulated Utility Plan is being adequately implemented. As noted above, DOE will consider waiving particular requirements where meeting them would pose particular burdens.

A number of commenters observed that a utility may have difficulty determining the number of installations or loans it has arranged, particularly in

cases where a homeowner postpones taking an action. DOE believes that the revised definition of arranging may alleviate this problem.

The record reflected some confusion regarding the responsibility for reporting various items. Basically, the State is responsible for preparing and submitting the annual report. The State may require utilities to supply data for this report.

Several commenters noted that the proposed recordkeeping requirements may present some privacy or confidentiality issues should the data ever be used. At the time the DOE requests such data from a State, appropriate actions will be taken to protect the privacy of the Program participants.

One commenter requested that the audit records should be retained for only three years rather than five as proposed. The five-year retention is required by NECPA, so DOE does not have the option to reduce it.

Several utilities commented that the requirement to keep customer usage data for two years was not feasible and was inconsistent with the current practice of 15-month retention. It is DOE's understanding that the Federal Energy Regulatory Commission (FERC) requires utilities to maintain customer records for two years on microfilm. DOE is willing to accept microfilmed records on the RCS Program, so the two-year storage requirement should impose no additional burden on the covered utilities. In addition, DOE anticipates that it will assume some of the costs for information retrieval when Program evaluation begins. The State may develop alternative approaches for participating home heating suppliers.

These reporting and recordkeeping requirements have been submitted to the Executive Office of Management and Budget for clearance under the Federal Reports Act. This clearance will be obtained before any reports or records are required under this Section.

#### *S. State Measures—§ 456.319*

A large number of commenters requested that more flexibility be allowed for States to add measures to the various parts of the Program. Commenters were especially concerned that States and/or utilities be allowed to add measures to the program announcement and the audit. The prohibition in the proposed Rule on auditors giving costs and savings estimates of any measure which was not a "suggested measure" was particularly bothersome to many commenters.

Section 210(16) of NECPA requires the Secretary to designate "suggested" measures by rule. DOE has designated

one additional measure, replacement air-conditioners, in the Final Rule (see "II.B. Definitions," above). DOE will consider designating further measures by rule in the future, but does not intend to do so until an appropriate time after the start of the program.

There are many additional measures which various commenters proposed which DOE did not consider appropriate for inclusion as part of the minimum national program requirements. DOE encourages innovation beyond the minimum requirements, however, so that States may design programs to suit local conditions. DOE has therefore established Section 456.319 as a mechanism by which States may propose additional measures which may be associated with the RCS program. DOE will review these proposed measures and may allow them if they do not adversely affect the program. The criteria for this review are contained in § 456.319 and are discussed here.

Subsection (a) allows the State to propose State measures in the State Plan for approval by the Assistant Secretary.

Subsection (b) establishes the criteria which the Assistant Secretary will use in reviewing State measures. Since only "program measures," as listed in Appendix I, are required to be included in the RCS program, paragraphs (b) (1) and (2) allow a State Plan to offer in conjunction with the RCS Program other measures which are "energy conservation measures" or "renewable resource measures," as defined in § 456.105. For example, in South Carolina, neither storm doors nor active solar heating systems are program measures. The South Carolina State Plan could offer these measures in conjunction with the program as State measures, for approval by the Assistant Secretary. The review of these measures will be limited to determining that they are in fact energy conservation or renewable resource measures as defined in the Final Rule.

Paragraph (b)(3) establishes the criteria for other measures which State Plans may propose as State measures. The first criterion is that the measure must save energy in one of the following three ways. It may either (a) reduce oil consumption; (b) reduce the sum of oil and gas consumption; or (c) reduce the sum of nonrenewable energy consumption. In addition, the measure must not increase the consumption of oil.

This criterion allows a very broad range of measures to be proposed. For example: (a) installation of wood stoves reduce the consumption of nonrenewable energy sources; (b) conversions from gas heat with central

air-conditioning to a heat pump (where electricity is generated with coal) would reduce the sum of oil and gas consumption; (c) conversions from oil heat to gas heat reduce oil consumption; and (d) installation of solar heating devices not already included in the program save nonrenewable energy sources. Conversions from gas to oil heat are precluded because increases in oil consumption are counter to national energy policy to reduce consumption of oil, especially imported oil. Similarly, conversions from oil or gas heat to electric heat pumps which would result in a net increase in oil consumption (because of oil use at the power plant) are also precluded.

The second criterion, stated in paragraph (b)(3)(ii) is that the State plan must contain an adequate method of assuring safe installation and use of the measure. This means that if the measure might cause a health or safety hazard if it were improperly manufactured or installed, then an adequate method for ensuring safety must be included in the State Plan. This might be satisfied by existing building code standards, but it also might require specific material or installation standards. Also, there may be a need for either random or mandatory post-installation inspections of State measures whose installation is arranged in conjunction with the Program.

The third criterion is that the proposed State measure not adversely affect competition or the RCS program. In particular the measure may not increase the cost to the eligible customer of a program audit under the program. That is, if the State measure is included in the audit and therefore increases the cost of performing the audit, this increase must not be passed on to the customer directly. This criterion is analogous to the requirement in NECPA that in "suggesting measures" for inclusion in the program, the Assistant Secretary must consider the effect of added measures on the audit cost and thus on program participation rates (NECPA, Section 210(16)).

Finally, the fourth criterion is that an adequate analysis of the environmental effects of including the measure must be prepared by the State. DOE is particularly concerned that the environmental effects of wood stoves and fuel conversions be analyzed. States wishing to include any additional measures must take into account the environmental effects of such measures.

Subsections (c) through (g) require the State Plan to describe how the State measures will be associated with the RCS program. These subsections provide wide latitude to the State in

deciding what services to provide for State measures. These services include inclusion in the Program Announcement, calculation of cost and savings as part of the audit procedures, provision of lists, arrangements for installation and financing, and each of the services of § 456.305.

DOE is concerned that customers will be confused if the services and benefits of State measures are different from those provided for program measures. Therefore, paragraphs (e), (f), and (g) of this section prescribe certain minimum conditions for inclusion of State measures.

Paragraph (e) requires that if a State decides to require covered utilities and participating home heating suppliers to arrange installation or financing of a State measure, then all the benefits of section 456.305 must be available to the customer as they would for a program measure. Also, the arranging services for State measures must be the same as those for program measures.

Paragraph (f) requires that if a State provides lists of contractors, suppliers, or lenders for State measures (or includes them on the lists with those for program measures), then the lists must be developed and distributed according to the requirements of § 456.312.

Section (g) requires that at any time that a State measure is associated with the Program measures in the RCS program and there are any differences in the services and benefits of the measures, these differences must be clearly explained. Similar requirements appear in Section 456.306 and 456.307.

DOE emphasizes that if a State chooses to associate a State measure with the RCS program and provide the same services and benefits as for program measures, then the customer need not be told that there are any differences and State and Program measures may be treated identically. DOE encourages States to provide the same services and benefits for State measures as for program measures.

#### V. Subpart D—Nonregulated Utility Plans

Most of the comments on Subpart D related to subjecting or excluding nonregulated utilities from the provisions for covered utilities that are subject to a State Plan. For example, the North Carolina Utilities Commission argued that nonregulated utilities not included in a State Plan should be required to meet the same provisions as covered regulated utilities in the State. On the other hand, the Salt River Project argued that the exclusions provided to nonregulated utilities not included in State Plans should be provided to the

nonregulated utilities even when they are included in State Plans.

Commenters were also divided on their recommendations concerning the nonregulated utility's use of State services, such as listing, when the nonregulated utility is not included in the State Plan. The Missouri Public Service Commission argued that if a nonregulated utility uses the State Master Record, it should be required to conform to the remainder of the State Plan. Los Angeles Department of Water and Power, on the other hand, argued that the nonregulated utility should be permitted to incorporate any part of the State Plan in its own plan.

DOE believes that the exclusions for nonregulated utilities, particularly coupled with the additional requirements for coordination with the State Plan, are reasonable, because the nonregulated utility which submits its own Plan is unique. Since the State chose not to include the nonregulated utility in its plan, the nonregulated utility should not be forced into strict compliance with the State Plan, but rather be accorded the flexibility given any agency developing a Plan under these rules.

DOE agrees that, upon mutual agreement between the State and the nonregulated utility, a nonregulated utility should be able to utilize any of the services which the State provides under the RCS Program. The Final Rule reflects this approach.

#### VI. Subpart E—Supply, Installation and Financing by Utilities

Commenters expressed concern over whether the prohibition against utility financing covered the leasing of energy conservation and renewable resource measures which they believe would increase the use of solar energy; if States could require utilities to finance small (\$300 or less) loans; if particular State laws or existing or planned utility programs qualify for the exceptions; and how the prohibitions and exceptions would apply. DOE was urged to adopt a liberal waiver policy for financing. Finally, several commenters recommended that DOE adopt a more informal approach for the review of exceptions to the prohibitions and asked that the Assistant Secretary rather than the Office of Hearings and Appeals determine exceptions to the prohibitions.

The prohibition on supply and installation includes the leasing of energy conservation or renewable resource measures. NECPA does not empower DOE or the States to require utilities to make small (\$300 or less) loans for financing energy conservation

or resource measures. Rather, NECPA and the Final Rule *allow* utilities to make small loans. States, under their own authority could, of course, require such financing.

Utilities wishing to seek exceptions to the prohibitions should apply in accordance with the procedures in Subpart E. These procedures have been modified so that exception requests are submitted to the Assistant Secretary rather than to the Office of Hearings and Appeals. Requests for exception made as a comment on the Proposed Rule will not be considered.

DOE has clarified the Final Rule language to indicate that the prohibitions apply to holding companies of utilities, parent companies of utilities, and subsidiaries of utilities. The exceptions and waivers will only apply to the particular parent company, or particular subsidiary for which the exception or waiver is granted, or for which the terms of the State and local law exception are met.

DOE encourages requests for waivers of the prohibition against utility financing. The lack of ability to obtain reasonable, long-term financing is seen by DOE as a potential barrier to residential customer conservation. Moreover, commenters from the banking community did not suggest that utility financing would be anticompetitive.

#### VII. Subpart F—Federal Standby Authority and Enforcement Provisions

Few comments were submitted on Subpart F regarding Federal Standby Authority. Most comments concerned the method and timing of Federal Standby Authority. The timing of the authority and the method by which it would be invoked are drawn directly from the National Energy Conservation Policy Act and are substantially identical to its requirements.

Although DOE has made no changes to Subpart F of the Proposed Rule and the language and requirements of this Subpart are identical in the Final Rule, DOE wishes to clarify in response to questions on this matter that, where Standby Authority is invoked due to inadequate implementation of a State Plan, the Department is under no obligation to follow the State Plan and may promulgate its own Plan for utilities to follow.

#### VIII. Subpart G—Renewable Resource Material and Installation Standards

##### A. Solar Domestic Hot Water and Active Solar Space Heating Systems

In the Proposed Rules, DOE proposed the application of the HUD Intermediate Minimum Property Standards (MPS) to

assure the adequacy of the installation and performance of solar domestic hot water and active solar space heating systems. Several comments were received suggesting the use of standards other than these. DOE has reviewed these proposals and has concluded that some recommendations concerned standards not yet recognized as voluntary consensus standards, and other recommendations suggested use of standards not as comprehensive or commonly utilized as the HUD MPS. DOE did specifically consider the potential for further assurance of proper installation through requiring compliance with the recently published *HUD Manual of Accepted Practices* (a companion to the HUD MPS Solar Supplements). Inasmuch as this document is primarily concerned with interpretation of the requirements of the MPS, DOE remains confident that requiring compliance with the basic standard is adequate for the purpose of this Program.

The HUD MPS identifies where poor practices have created problems. It specifies installation procedures designed to avoid typical problems, and deals specifically with problems of toxic materials in terms of practices designed to alleviate such problems. Moreover, the HUD standard spells out test procedures for materials and components. DOE continues to believe that the protection provided by adherence to the HUD standards is necessary to assure safety and effectiveness of solar systems installed within this Program.

The *HUD Manual of Accepted Practices* will be provided (as technical assistance) to interested States and utilities for their consideration as means for training auditors or inspectors, and ensuring compliance with the provisions of the MPS standards.

##### B. Passive Solar Space Heating and Cooling Systems

In the Proposed Rules, DOE reserved the section on standards for Passive Solar Space Heating and Cooling Systems, pending the outcome of further investigation concerning the need for such standards to assure the safety and effectiveness of such passive solar systems installed within this Program. DOE specifically solicited comments on this subject.

A portion of DOE's uncertainty as to the need for passive standards had related to the proposed inclusion of "thermal pond systems" as a suggested passive measure. The effect of large volumes of water (i.e., weight) upon existing residential roof structures had caused DOE to consider the need for

installation standards for these devices. As discussed elsewhere in this Preamble, these devices have been removed from the list of passive measures. This action eliminates DOE's immediate concern for the need for specific RCS standards for the passive solar measures.

In addition to the above discussion, several comments were received suggesting the nature of standards which would be appropriate. Other commenters concurred with the DOE opinion presented in the Preamble to the Proposed Rules that standards for such passive solar systems at this time could seriously inhibit the growth of this industry as well as potentially increase costs unnecessarily. No substantial information was offered to indicate that such passive solar systems present threats to safety or require standards for effective operation. DOE therefore concludes that local codes and national standards provide sufficient protection to the consumer for the performance and safety of passive solar space heating and cooling systems installed under this Program.

##### C. Small Wind Energy Systems

Partly as a result of comments and partly as a result of its own concern, DOE has prepared substantially revised standards for small wind energy systems. This standard is being proposed as a part of the Proposed Rule to be issued shortly.

#### IX. Subpart H Energy Conservation Materials Standards

##### A. Background

NECPA requires the Secretary of Energy to promulgate Standards that he determines are necessary to assure the general safety and effectiveness of materials and products designated in NECPA as residential conservation measures. The Energy Conservation Materials Standards in Subpart H of the Final Rule for the RCS Program were based on: (a) existing consensus and Federal standards, (b) Consumer Product Safety Commission: Interim Safety Standard for Cellulose Insulation, 16 CFR Part 1209, (c) CPSC 16 CFR Part 1404 Cellulose Insulation Labelling Requirement, and (d) various industry-DOE and interagency task forces recommendations. Where required, input from current research programs and field studies sponsored by DOE, other Federal agencies, and industry were utilized to provide a sound technical basis for revisions in these standards. The standards included here address only those material characteristics and test procedures

which DOE determined to be necessary to ensure the general safety and effectiveness of the material.

Considerable public comment was received on both general and specific aspects of the proposed standards. In general the comments supported the need for RCS material standards to provide a consistent set of requirements that could be utilized by producers, contractors, States, and utilities in implementing a safe and effective RCS Program. However, there was a concern that overly prescriptive standards could result in additional costs and could conflict with existing State and local codes. In response to these comments, DOE has attempted to rely whenever possible on existing laws and standards. Deviations from or modifications to these existing laws and standards are described below.

DOE determined a need for standards or performance criteria to ensure safety or effectiveness for the following RCS measures:

- All insulation materials
- Exterior, framed storm windows
- Storm and thermal doors
- Thermal windows
- Furnaces, boilers and heat pumps.
- Replacement oil burners
- Vent dampers
- Intermittent ignition systems
- Caulking and sealants

In some instances, DOE determined that material standards were not necessary to ensure the safety or effectiveness of a particular measure. Clock thermostats and heat reflective and heat absorbing films are examples which are discussed below in greater detail. Unless DOE has specifically determined that a standard is necessary for a measure, it can be assumed that a product need only meet the appropriate definition contained in Section 456.105.

Included in the General Issues section of this Subpart and of the Preamble is a discussion of public comment received on the standards for all measures and DOE's response to these comments. Detailed comments which suggested additions, deletions, and revisions to specific proposed standards are discussed in the Specific Issues Section of this Subpart of the Preamble.

In addition to the public comment on the proposed standards, the Consumer Product Safety Commission (CPSC) Interim Safety Standard for Cellulose Insulation, 16 CFR Part 1209, CPSC Cellulose Insulation Labelling Requirement, 16 CFR Part 1404, and Federal Trade Commission (FTC) Trade Regulations: Labeling and Advertising of Home Insulation, 16 CFR Part 460, which were published subsequent to the RCS Proposed Rules, were reviewed to

determine their effect on the RCS material standards. In those areas where these regulations are directly applicable, DOE does not address specific requirements. For instance, since FTC Part 460 addresses thermal resistivity of insulating materials, DOE does not require additional thermal resistivity provisions or reference FTC's since it is assumed that all manufacturers must meet these provisions regardless of their participation in the RCS program. In the same way, DOE does not require fire safety or corrosion requirements for cellulose insulation since all cellulose manufacturers are required to meet CPSC Part 1209. DOE has taken the same position with regard to the labeling requirements in FTC Part 460 and CPSC Part 1404.

#### *B. Insulation*

**1. The Need for Material Requirements.** Material standards are required for all thermal insulations in order to minimize potential problems which may arise from their use. Such problems can limit the effectiveness of an insulation or lead to safety or health hazards.

Some specific safety and effectiveness problems which could result from improperly manufactured material are:

- (1) Fires resulting from combustible material.
- (2) Corrosion of pipes, ducts or electrical components.
- (3) Emission of toxic or noxious gases or odor.
- (4) Support of fungal growth when moisture is present.
- (5) Asbestos-related problems.
- (6) Inaccurate determination of thermal performance.

Retrofitting residences by the addition of thermal insulation can increase the risk of fire if the insulation material is combustible. For insulation used in retrofitting, the fire-safety tests contained in some existing specifications are not adequate to determine the flame spread, smoldering ignition, or smoke and toxic combustion products which characterize the fire risk of these materials.

In the case of cellulosic insulation, the CPSC has issued Interim Safety Standards for Cellulose Insulation (16 CFR Part 1209), which establishes fire-resistance requirements based on two recently developed test-methods. The DOE has referenced the fire safety requirements in this CPSC standard for other insulating materials when laboratory test data indicated that these insulation materials posed similar fire risks.

The DOE standards contain requirements which limit corrosion of thermal insulations to assure that these materials do not cause corrosion of structural components such as truss plates, electrical wiring, or plumbing. Failure of any of these due to corrosion can be a serious hazard to occupants of the house. The CPSC has determined that cellulosic insulation can cause corrosion of these building components, and has included in their 1209 Rule provisions which measure and control corrosion characteristics. There is evidence that there may be similar problems with other insulating materials as well and DOE has addressed the issue in the appropriate insulation standard.

The installation of thermal insulation in areas of low ventilation (e.g., walls) can lead to the growth of fungi; fungal spores are a health hazard. Excessive moisture absorption in insulation, a condition which can accompany varying humidity, increases the potential for corrosion and fungal growth. It also decreases the thermal performance of insulation.

The effectiveness of thermal insulation is measured by its thermal resistance. The DOE Standards do not require thermal resistance testing since requirements are already included in the FTC Trade Regulation Rules on Labeling and Advertising of Home Insulation (16 CFR Part 460).

The thermal resistance of insulation depends on its installed density. For all loose-fill insulations, the density governs material coverage (i.e., number of bags required to cover a given wall or attic floor area to a desired level of thermal resistance). A density requirement is necessary to assure that the insulation, when installed at the thickness recommended by the manufacturer, actually delivers the thermal resistance advertised. The FTC in their 460 Rule addresses both thermal resistivity and density for all types of insulation. CPSC also addresses settled density requirements for cellulose in CPSC Part 1209. Again, DOE standards do not include requirements for either thermal resistivity or density since these are included in other regulations which insulation manufacturers must meet. In addition to marking and labeling provisions required by the FTC and CPSC rules, DOE has included minimum additional requirements relating to health or fire-safety aspects of the products.

In general, there are voluntary consensus standards, Federal specifications, and Federal regulations that address the above-listed material requirements for each of the thermal



insulating materials covered in the RCS Rule. The adequacy of these existing Standards for each material is addressed in this section. Whenever possible, DOE elected to merely reference provisions of established standards to avoid confusion and to ensure maximum consistency with requirements which manufacturers are already meeting.

**2. Cellulosic Insulation.** The standard for Cellulose contained in § 456.804 is based upon F.S. HH-I-515D.

DOE recognizes that the CPSC Interim Standard for Cellulose Insulation (CPSC Part 1209 adequately addresses the fire-safety and corrosiveness properties of cellulose, and that this Standard also contains a settled density test procedure. Therefore there was no need to address these properties in the cellulose standard in Section 456.803.

Although DOE is concerned about the reproducibility of the CPSC corrosion test, it appears possible that CPSC may revise the test method to include a procedure for retesting.

DOE has included a requirement for vermin resistance since vermin can feed on the starch content of some cellulosic insulations unless the material is properly treated.

The DOE recognizes that the FTC Regulation on Labeling and Advertising of Home Insulation (FTC Part 460) is applicable to thermal resistance testing and labeling of cellulosic insulation. DOE therefore does not need to include requirements for thermal resistance testing.

The Federal Specification HH-I-515D contains material requirements and test methods for the following properties of cellulosic insulation: vermin resistance, moisture absorption, odor emission, fungi resistance, and coverage. However, this Federal Specification only applies to cellulosic insulation manufactured for government procurement, and is not a requirement which other manufacturers must meet. DOE has therefore referenced these requirements and appropriate test methods as requirements for the RCS Program.

Two minor deviations were made from HH-I-515D, however. The container size in the moisture absorption test was changed to make it compatible with containers used in other tests. Gypsum board was specified in the fungi resistance test because it provides more reproducible results and less opportunity for contamination of system components.

Since meeting this Specification has caused no significant hardships for the insulation industry, the DOE judged that inclusion of the appropriate sections in

the DOE Standard will not impose a burden on the cellulose industry.

The only substantive addition to the Federal Specification is in the area of coverage. DOE recognizes that insulation cannot be blown both vertically and horizontally with the same density results. Therefore, DOE has added to the coverage chart a section on sidewalls in addition to attics. Manufacturers will be required to fill in R-value, minimum number of bags per 1000 sq. ft., maximum net sq. ft. coverage per bag, and minimum weight per net sq. ft. of installed insulation for three common stud space areas. DOE maintains that the addition of sidewalls to the coverage chart should add greatly to the ability of a contractor to provide proper cavity fill and ensure proper thermal performance.

DOE is aware of the need to develop a test to determine fire resistance permanency of cellulosic insulation. Little is known regarding how long the flame retardant chemicals continue to perform the function for which they were designed. Research continues in this area to develop a test which will accurately simulate the permanency of these chemicals.

**3. Mineral Fiber Loose-Fill.** The Standard for mineral fiber loose fill contained in Section 456.805 is based upon CPSC Parts 1209 and 1404, F.S. HH-I-1030 A, HH-I-515D, and ASTM C-519.

DOE recognizes that FTC Part 460 applies to thermal resistance and labeling.

The DOE Standard contains the same fire-safety requirements and tests as CPSC Part 1209 since these are also applicable to mineral fiber loose-fill insulation. The radiant panel and smoldering combustion test provide a much more thorough evaluation of the fire characteristics of the insulation than the flame spread test contained in F.S. HH-I-1030 A. Since binder content does affect smoldering and flammability of mineral fiber insulation, DOE determined it should be tested in accordance with the same procedures as required for cellulose.

Federal Specification HH-I-1030A contains requirements and test methods for the following properties of mineral fiber loose-fill: weight loss on ignition, corrosiveness, and coverage. The DOE Standard cites the appropriate sections of the Federal Specification with the addition of specific thicknesses for wall application on the coverage chart. Because fungi and odor can characterize mineral fiber with binder content, the DOE Standard also cites the applicable requirements of Federal Specification HH-I-515D.

A coverage chart is included similar to the one required for cellulose. Manufacturers will be required to include their recommended installed density for various thicknesses in both ceilings and sidewalls.

As with all standards included in §§ 456.803-456.809, FTC requirements for thermal resistivity and the CPSC and FTC requirements for labelling apply. Labelling provisions relating to clearances around heat sources are considered equally important for all types of insulation materials, since heat build-up caused by any insulation can be sufficient to generate ignition of structural members or electrical components.

A requirement for moisture absorption contained in the Proposed Rules was deleted in the Final Rules since DOE is not aware of any related problems with respect to mineral fiber.

**4. Mineral Fiber Batt and Blanket Insulation.** The standard for mineral fiber batt and blanket contained in Section 456.806 is based upon CPSC Parts 1209 and 1404, F.S. HH-I-1030A and HH-I-515D, and several ASTM test procedures.

The DOE recognizes that FTC Part 460 is applicable to thermal resistance testing and labeling of mineral fiber batts and blankets and that the same fire-safety requirements and tests included in CPSC Part 1209 are also applicable. Slight modifications have been made to the fire safety requirements so they apply to the batt material. For instance, the smoldering combustion test is modified to require the test to be performed on batt material at recovered thickness without a membrane covering. The radiant panel test will be performed with the vapor barrier membrane placed face down in the tray and vapor permeable membrane (if one exists) face up. This is specified to simulate correct installation procedures.

Federal Specification HH-I-521 E is referenced for its marking and fungi-resistance requirements for mineral fiber blankets and batts. Federal Specification HH-I-1030A is referenced for its requirements and tests for corrosiveness, and Federal Specification HH-I-515D is referenced for its requirements for odor-resistance. As with mineral fiber loose fill, requirements for moisture absorption were deleted from the Final Rule.

In addition, DOE has referenced ASTM E-96 as the requirement for vapor permeance. DOE determined it necessary to test the permeance of both the vapor resistant membrane and the vapor permeable membrane (if appropriate). If facings attached to the

insulation are to be used as vapor barriers, they must meet the definition in Section 456.903(b)(26) for vapor barriers. ASTM E-96 will insure this.

A requirement was also included in Section 456.805(b)(6) for dimensional tolerances. This was included to ensure consistency and quality control in the size of batts and blankets being manufactured. Deviation from standard sizes will result in lower thermal performance as heat escapes through gaps left between batts and the joist or stud spaces which they are meant to fill.

The same labeling requirements noted for loose fill insulation are applicable to batts and blankets. The only addition is a reference to flammable membrane coverings. The importance of this statement was emphasized by CPSC, although CPSC did not require it.

**5. Vermiculite Thermal Insulation.** The standard for vermiculite insulation contained in Section 456.807 is based upon CPSC Part 1404, F.S. HH-I-585C and HH-I-515D, and various ASTM procedures.

Again, DOE recognizes the applicability of FTC 460 to the thermal resistance testing and labeling of vermiculite.

Federal Specification HH-I-585C contains requirements and test procedures for combustibility and water repellancy which are referenced in Section 456.806. Since vermiculite does not generally contain the additives which encourage combustion in other loose fill materials, a much simpler combustibility test (contained in HH-I-585C) was determined appropriate. The ability of a material to repel water affects its thermal performance in some applications. In below-grade applications, for instance, considerable moisture is present. DOE has therefore referenced the procedure in HH-I-585C for determining water repellancy.

As with all other loose fill insulations, DOE has also included the coverage chart which includes recommended densities for both ceiling and wall applications.

In addition, DOE has specified ASTM requirements for density and grading. Grading was determined to be important since it affects the effectiveness of the material in the installed condition. Although the material is generally poured, grading requirements are particularly important if blowing is attempted. Minimum particle size must be large enough to prevent the material from entering the living space through penetrations in walls and ceilings.

Marking requirements for vermiculite are the same as those for other insulation materials.

**6. Perlite Thermal Insulation.** The standard for perlite insulation contained in Section 456.808 is based on CPSC 1404, F.S. HH-I-574B and HH-I-515D and various ASTM requirements.

Again, DOE recognizes the applicability of FTC 460 to thermal resistance testing and labeling of perlite.

Other physical characteristics of perlite to be tested are the same as those for vermiculite with corresponding procedures. The only addition is a requirement for a minimum amount of solvent solubles to be tested in accordance with HH-I-574B. This was included because perlite is a relatively absorbant material. If the material absorbed oil-based materials (perhaps as a result of careless handling), the combustibility of the material would increase.

**7. Polystyrene Insulation Board.** The standard for Polystyrene board contained in Section 456.809 is based on F.S. HH-I-524B, ASTM E-84, and ASTM C-578.

As with all insulation materials, the FTC 460 requirement for thermal resistivity and labeling is applicable. DOE determined that ASTM E-84 most appropriately addressed fire characteristics of polystyrene. Although F.S. HH-I-524B requires a flame spread of 25 or less, DOE only requires a flame spread of 75 or less. This is because a 15 minute thermal barrier is required when the material is installed on the interior of a residence. DOE considered inclusion of a smoldering combustion test, but determined that appropriate validation of the test procedure to the characteristics of polystyrene was necessary first. DOE will continue to examine this.

DOE has made an effort to eliminate distinctions between classes, types, and styles of insulating materials when they did not directly apply to applications within the RCS Program. The one exception is classes of polystyrene determined by water absorption when tested in accordance with applicable provisions of HH-I-524B. Since moisture reduces the thermal effectiveness of insulating materials and since moisture is particularly prevalent below grade, the installation practices require only application of Type 3 polystyrene rigid board to installations below grade.

Water vapor transmission should also meet the requirements of HH-I-524B. From an application perspective, it is especially important for contractors to have this information so they can install the product correctly. For instance, if a low permeability material is installed on the exterior of a house with additional insulation in the cavity, special precautions will have to be taken to

ensure that moisture is not trapped within the wall cavity.

DOE determined the strength requirements included in HH-I-524B were necessary to ensure the effectiveness of the installed insulation. Minimum strength requirements are necessary to ensure that the material will be installed in the same condition in which it left the factory. Dimensional tolerances which conform to requirements of ASTM C-578 were included for the same reason that they were included in the mineral fiber batts and blanket standard.

Marking requirements for polystyrene are consistent with other materials. An additional labeling statement is required, however, to reflect the necessity of installing a 15-minute fire rated finish between the board insulation and the interior of the residence. DOE also requires that the manufacturer label the product by type as defined in HH-I-524B so that contractors can select a product which meets the requirements included in the installation standards.

**8. Polyurethane and Polyisocyanurate Insulation Board.** The standard for polyurethane and polyisocyanurate board contained in Section 456.810 is based on FTC Part 460, CPSC Part 1209, F.S. HH-I-530A, and ASTM E-84.

Requirements for thermal resistivity, flame spread, water vapor permeability, compressive and flexural strength, dimensional tolerances, and marking are consistent with those for polystyrene board. Although water absorption is determined by the same method for all three types of board, polyurethane and polyisocyanurate are allowed a wider acceptable range since the application of these materials is limited by the installation standards to above grade application. Composite polyurethane and polyisocyanurate (like polystyrene) must also be labeled as to the permeability of each manufactured thickness. The same labeling requirement for the 15-minute finish rated covering applies to polystyrene and polyurethane and polyisocyanurate.

**9. Aluminum Foil Reflective Thermal Insulation.** The standard for reflective insulation contained in Section 456.811 is based on CPSC Part 1404, F.S. HH-I-1252B, and ASTM E-408.

As with all insulating materials, the FTC 460 requirement for thermal resistivity and labeling is applicable. DOE is also specifying that the requirements for foil, kraft paper and adhesive included in HH-I-1252B be met.

These were determined necessary for several reasons. For instance, if impurities are contained in the



aluminum foil, the reflective ability will be reduced. The adhesives used must be water proof and must demonstrate permanence for the material to remain effective.

DOE determined that another requirement unique to reflective foil—that of thickness—be included. Material that is too thin will not remain durable and effective. DOE therefore referenced HH-1-1252B when citing minimum thickness of the material.

As with other materials which purport to be relatively impermeable, requirements for water vapor permeability are included. DOE references HH-1-1252B. Since pliability of the material affects installation and therefore effectiveness, requirements were included from HH-1-1252B. In addition to the standard labeling requirements, DOE has also specified design characteristics of the material to ensure that the reflective surfaces can function as they were intended.

### C. General Comments

Approximately 200 comments from manufacturers, industry associations, and Government agencies were received which dealt with the entire Subpart H—Energy Conservation Material Standards.

Several commenters suggested that responsibility for ensuring compliance with the materials standards be specified. DOE does not feel it appropriate throughout the RCS Program for the Federal Government to designate responsible agencies for tasks included in a State Program.

Some commenters expressed concern about States promulgating standards which differ from the DOE standards being proposed. NECPA does not give DOE authority to prohibit such action by States.

Other commenters recommended that the proposed Material Standards be replaced with references to the appropriate existing Federal Specifications, ASTM Standards, and fire safety test requirements. This is substantially what was done in the Final Rule.

Several comments were received concerning the completeness and accuracy of the definitions. The appropriate revisions have been made.

One commenter suggested that existing HUD material standards are adequate to determine a material's acceptability, and that simpler requirements are needed which allow a layman to determine if a product complies. DOE has only included requirements that are necessary to assure a minimum level of safety and effectiveness. Since virtually every

requirement was extracted from existing industry and Government standards, DOE maintains that they are acceptable to those impacted. The standards included in Subpart H are not intended for the layman. They are instead legal requirements. The label "conforms to DOE standards" should help the layman determine if the material complies. Other labeling requirements have been included to give the layman additional information.

One commenter stated that the standards are overly complicated, and that they will discourage participation of suppliers and contractors in the RCS Program. This commenter recommended that the DOE Standards be limited to those set by local standards and codes. Every effort has been made to simplify the standards. The DOE Standards establish only the minimum requirements necessary to assure safety and effectiveness, which is required by NECPA. Since local codes often do not address material standards for weatherization materials, DOE could not depend upon local code organizations.

### D. Specific Comments

Over 200 detailed comments were received from manufacturers, industry associations, other government agencies, and individuals, on specific sections of the material standards of the proposed rule. These comments suggested revisions, clarifications, amplification, deletion, or approval of various provisions of each standard. These comments are summarized in the following pages together with DOE's assessment of these comments. Also included is an explanation for modifications made to the proposed standards in response to comments.

**1. Section 456.803—Cellulosic or Wood-Fiber Loose-Filled Thermal Insulation.** One commenter suggested that spray-on cellulosic insulation be included in the scope of this standard. DOE decided to specify in the final rule that the standard applies to loose-fill only, since spray-on cellulosic insulation is principally used for commercial applications, and since no material specification is available. If and when one does become available, DOE will reconsider.

Several comments were received on thermal resistance. One suggested that the minimum R-value be 3.7 instead of 3.0 which DOE had proposed. Another commenter suggested that the five percent tolerance on R-values for four specimens was too tight. DOE has determined that it is outside the scope of the RCS Program to specify R-values for the various kinds of insulation. Since all insulation will be labeled according to

R-value and since the audit will address the relative cost-effectiveness of insulation, there should be no need to require minimum R-values. In addition DOE no longer specifies a method of determining thermal resistivity since the FTC procedure must be met by all insulation manufacturers.

Several comments were received on fire safety. One claimed that cellulose insulation does not pose a fire hazard. One suggested that the smoldering combustion test is not severe enough. Other commenters supported the proposed fire safety test methods, but suggested various modifications. DOE has not changed the proposed requirements. DOE has agreed with the CPSC and the U.S. General Services Administration to specify the same fire safety requirements and test methods for cellulosic loose-fill insulation.

Three commenters addressed the moisture absorption requirement suggesting that the seven percent maximum limit is too restrictive and can be loosened to 15 or 20 percent with no ill effects to consumers. The final rule limits moisture absorption to 15 percent to ensure consistency with the Federal Specification.

One commenter claimed that CPSC test method for corrosiveness of cellulosic insulation does not give reproducible results because of the variability of conditions within most humidity test chambers. DOE has been working on a retest procedure which could be used if at least 2 of the 6 test coupons show no evidence of corrosion. CPSC may agree that the test is a valid one and incorporate it in their 1209 Rule. In the meantime, research efforts are continuing toward the development of a uniform corrosiveness test that is applicable to all thermal insulating materials.

Six comments dealt with the labeling requirement for cellulose. One suggested that each manufacturer develop his own label. Another suggested that cellulose insulation packages carry a UL or Factory Mutual label. The other comments concerned the wording of Table I, the coverage chart. The Final Rule assumes that a warning label which meets the requirement in CPSC Part 1209 will be included on all bags of cellulosic insulation. The DOE will not require a UL or FM label because it is inappropriate for the Federal Government to require labeling by particular private testing laboratories. As was explained earlier in the preamble, DOE maintains that the coverage chart is essential in ensuring proper coverage.

**2. Section 456.805—Mineral Fiber Loose-Fill Thermal Insulation.** One

commenter suggested that the distinction between Classes A and B based on ignition weight loss is meaningless. DOE agreed with the commenter since the RCS Program makes no effort to differentiate between applications of the 2 classes. Reference to classes was therefore deleted.

Five comments addressed the requirement concerning weight loss on ignition. Three said that this requirement is not a fire-safety issue and two comments recommended that there be no limit to weight loss on ignition for Class B material. In the final standard, the weight-loss on ignition requirement has been removed from the fire-safety section, but the requirement has been retained as a material characteristic. By limiting weight loss on ignition to 12%, DOE limits the amount of binder content. This requirement is included in ASTM C767-73 as well as HH-I-1030A.

Two commenters suggested that until a test method for design density is developed, the test methods for mineral fiber loose-fill should be conducted at the manufacturer's recommended installed density. They also recommended this density value be used in calculations for the coverage chart, Table II. The density of mineral fiber loose fill is directly related to thermal resistivity. The FTC 460 Rule, published subsequent to the RCS proposed rule, addresses thermal resistivity, so we have removed this provision from the Final Rule. However, DOE will continue its research efforts to develop a uniform method of determining design density for mineral fiber. A method is needed so that requirements for cellulose and mineral fiber are consistent.

Three comments addressed the thermal resistance of mineral fiber loose fill. One suggested that specimens tested be at least 3.5 inches thick. Another claimed that the R-value is not a meaningful measure for installed thermal resistance unless the insulation is protected from air convection. In an effort to promote optimum consistency among standards, DOE determined that no requirements for thermal resistance were necessary since FTC Part 460 already addresses this issue.

With regard to fire safety, one commenter suggested that mineral fiber loose fill be tested in accordance with ASTM E-84. DOE still maintains that the radiant panel and smoldering combustion tests more accurately simulate fire conditions in an attic environment than does the tunnel test.

One commenter suggested that the limit on moisture adsorption be increased from 5 to 7%; two commenters suggested reducing the limit to 1%. DOE

eliminated the requirement for moisture adsorption since there was no evidence of problems.

Several comments were received suggesting that odor emission and corrosion tests for mineral fiber should be the same as for cellulose insulation. DOE agrees in principle with the comment. The odor emission test was changed in the Final Rule to be consistent with that for cellulose. The corrosion test was left unchanged, although research is underway to develop a single corrosion test that will apply equally to all insulating materials.

One commenter suggested that the fungi-resistance requirement be deleted. The Final Rule retains this requirement because organic binder is contained in mineral fiber loosefill which can promote fungus growth.

### *3. Section 456.806 Mineral Fiber Batt and Blanket Thermal Insulation*

One commenter suggested that Type III material be included, "blankets and batts with a membrane covering on both faces, only one of which is a vapor barrier."

The Final Rule makes no distinction between classes, since application of specific classes is not referenced elsewhere.

One commenter suggested that thermal resistance be measured using specimens at least 3.5-inches thick. Again, DOE no longer includes thermal resistance requirements.

One commenter suggested that the ASTM E-84 test be specified to measure the fire resistance for blankets and batts intended for exposed use in crawl spaces and basement ceilings. This commenter also suggested that the critical radiant flux test be conducted with the membrane covering face up in the tray if there is a probability that the membrane facing will be left exposed. Another commenter claimed that in a fire test, fiberglass insulation melted quickly and released toxic fumes. Again, DOE does not specify the E-84 test for batts and blankets because it measures only surface burning characteristics while the radiant panel and smoldering combustion tests more accurately simulate fire conditions.

Both CPSC and DOE have determined that there is no reason to require testing of the batt in the radiant panel test with the vapor barrier facing up, if the product is clearly marked with the proper method of installation.

Several commenters suggested that the moisture adsorption limit be revised; some wanted it lowered to 1%; one wanted it raised to 7%. As discussed earlier, the moisture adsorption

requirements for mineral fiber were deleted from the Final Rule.

One commenter questioned the need for the odor, corrosiveness and fungi-resistance requirements. These requirements have been retained in the Final Rule to ensure that mineral fiber with organic binders will not sustain odor or fungal growth.

### *4. Sections 456.807 and 456.808—Vermiculite and Perlite Thermal Insulation*

One commenter recommended that the classification by type and size of vermiculite be revised to conform to the values for density and grading in the proposed ASTM Standards Specification C516 for Vermiculite Insulation. All classifications have been deleted since no reference was made to them in the Installation Practices. Minimum values for density and grading must be met, however, per ASTM C-516. The commenter also suggested that two classes of vermiculite be included: water-repellent for use where condensed water may be a factor (i.e., below grade); and non-water repellent, for use where condensed water is not a factor. DOE determined that all vermiculite and perlite products should meet the water repellent requirement since moisture is not always anticipated.

One commenter pointed out that the combustibility test for vermiculite required exposure to flame for 13 seconds, where as for perlite the requirement was 15 seconds. The Final Rule requires that both materials meet the combustibility requirements (15 seconds) of HH-I-585C & HH-I-547B.

### *5. Sections 456.809 and 456.810—Polystyrene, Polyurethane and Polyisocyanurate Thermal Insulation Board*

Several comments were received on Polystyrene insulation board. One questioned the need for specifying levels of R-value and density. One stated that testing thermal resistance of boards with aluminum foil facing using the ASTM C236 method can give misleading results. As discussed earlier, both density and thermal resistivity are covered by the FTC procedure.

Several comments were received regarding fire testing of polystyrene, polyurethane, and polyisocyanurate boards.

One recommended that roofing and exterior insulation boards be exempted from the ASTM E-84 flame spread requirement, but if tested only the core material should be tested, and in the manufactured thickness. DOE maintains that all insulation materials should meet fire safety requirements and that they

should be tested in the same state they are installed. This means that composite boards must have a flame spread of 75 or less for each manufactured thickness.

Others stated that the smoldering combustion test is inappropriate for all formed plastic boards. Because the smoldering combustion test has not been validated for application to rigid board materials, DOE would agree with the commenters. The requirement for the smoldering combustion test was deleted from the final rule. However, DOE will investigate the validation process. Two commenters recommended that a diversified testing clause be included for fire testing of foamed plastic thermal insulation boards. Comments also recommended that these two standards allow usage of foamed plastics as permitted by local building codes, based on diversified testing.

DOE does not believe that the Diversified Testing Clause is sufficiently well defined and cannot therefore recommend it or support its use. For a further discussion of this issue see the Preamble for Installation Standards.

One commenter recommended that requirements for compressive and flexural strength, water absorption, dimensional tolerance, water vapor permeability, holes, voids and depressions, be deleted. Another suggestion was that the distinction between types, styles, and classes be deleted.

DOE does agree that some of these requirements are unnecessary and has therefore deleted those pertaining to holes, voids and depression and types, styles, and classes. The other requirements, as discussed earlier, were determined necessary.

#### 6. Section 456.811—Aluminum Foil Reflective Thermal Insulation

Three commenters recommended that this product be deleted from the RCS program because it takes an unusual degree of care to achieve proper field installation and effectiveness depends on "perfect" installation. One commenter recommended limiting its installation to areas where complete coverage can be obtained, claiming that its effectiveness depends on an unbroken seal. Another suggested that consumers be protected against manufacturer's claims of R-values that are higher than test data support. Although DOE would agree that good installation practices are essential to the performance of the material, it is a viable insulation option. Therefore, DOE retained the standard for reflective insulation in the final rule.

One commenter requested that a fifth class be defined for this material, that

fire testing be required for specific applications, and that a test method for pliability be included. The Final Rule does not address specific classes of the material since all types were deemed acceptable for inclusion in the RCS program. DOE agreed with the commenter that a pliability requirement is necessary to the overall effectiveness of the material and incorporated it into the Final Rule. Fire safety test requirements are not required because DOE has no information to suggest that this product poses a fire hazard.

#### 7. Section 456.812 Standards for Caulks and Sealants, Water Heater Insulation and Heating/Air-Conditioning Ducts Insulation

##### a. Caulks and Sealants

Standards for caulks and sealants contained in section 456.812(b) are based on applicable Federal Specifications and ASTM standards.

Only one comment was received on caulking material standards. It suggested that the generic terms given in Table X be deleted since the specifications are of the performance type and products other than those listed either meet the specifications today or may meet them in the future.

While agreeing with the commenter that products known under other names can meet the specifications, DOE also believes that the generic designations are useful for identifying which standard or specification a particular product needs to meet. To alleviate the concerns of this commenter and others, DOE has renamed the heading of the first column of Table X to read "Examples of Types of Caulk or Sealant".

##### b. Water Heater Insulation

The standard for water heater insulation contained in Section 456.812(c) is based on F.S. HH-I-558B. DOE also requires a flame spread rating (when tested in accordance with ASTM E-84) of 25 or less on the exterior facing when installed on gas or oil-fired appliances and 150 or less on the exterior facing when installed on electric water heaters. The lower flame spread on facings installed on gas or oil-fired appliances was deemed necessary since the material is close to an open flame. DOE is concerned that residents interested in purchasing water heater insulation under the RCS program are able to easily identify products which meet the standards contained in § 456.812(c). A specific labeling provision was therefore included for insulation which meets the requirements of § 456.812(c) but is not specifically packaged as water heater insulation.

Residents will be encouraged to look for "Conforms to DOE standards for water heater insulation" on the product when purchasing water heater insulation.

One commenter recommended that DOE include a performance standard specifying that products must be a minimum of .125 lb./sq. ft. DOE did not accept this suggestion since standards included here are the minimum necessary to ensure safety and effectiveness. While a requirement for .125 lb./sq. ft. would ensure a higher R-value, DOE determined that this was beyond the scope of the program.

One commenter suggested that there are many other options for water heater insulation besides the mineral wool batts specified. The commenter suggested, among others, loose fill and rigid board. DOE is not aware of practical applications of water heater insulation with these materials. If specific products are brought to DOE's attention, they can be evaluated for safety and effectiveness.

##### c. Duct Insulation

The standard for duct insulation contained in Section 456.812(d) is based on F.S. HH-I-558B. In addition, DOE requires a flame spread rating (when tested in accordance with ASTM E-84) of 25 or less on the coverings. This requirement is consistent with other requirements for materials which are left exposed. One commenter suggested that duct insulation should meet UL 181 rather than HH-I-558B. DOE maintains that this specification is not applicable to the RCS Program since it covers metal ducts, not retrofit insulation for these ducts.

#### 8. Section 456.813

##### a. Storm and Thermal Windows, Storm and Thermal Doors and Multiglazing

Standards for Storm and Thermal Windows contained in Section 456.813 are based on ANSI/AAMA 1002.9-1977, ANSI/NWMA I.S. 2-73, NBS/PS28-70, and BOCA Research Report No. 7233.

Storm windows may have glass or plastic glazing, and frames made of aluminum, wood, vinyl or acrylic, and they may be installed inside or outside of the primary window.

Several commenters suggested that the DOE standards for storm windows require a higher level of performance with respect to air infiltration than is contained in the ANSI standard. Commenters claimed that the present levels of air infiltration (2.0 to 4.0 cfm/FCP) does not address energy conservation concerns. The commenters recommended that maximum air infiltration be reduced to 0.5 cfm/FCP.

Commenters said that most manufacturers could meet the more stringent requirements with little additional cost.

Although DOE is concerned about excess air leakage around windows, DOE is unsure about the efficacy of such a dramatic departure from existing standards. The purpose of exterior storm windows is primarily to provide an insulating air infiltration. Conventional theory requires that the insulating air space be ventilated to the outdoors to prevent condensation on the exterior storm window and the surrounding construction. Such ventilation is commonly provided by installing a storm window that is less tight than the prime window and by providing weep holes. If greater air tightness of the overall window system is to be provided, such should be accomplished by either weatherstripping the prime window, replacing the leaky prime window with a thermal window, or installing a tight interior storm window. This position is currently considered "good practice". Since existing prime windows seldom (if ever) approach the 0.5 cfm/FCP air tightness advocated by these commenters, serious condensation problems are likely to occur if the tight storm windows were installed.

Since the Navy is installing storm windows which meet the 0.5 cfm/FCP requirement on a test basis, DOE will have opportunity to observe the results. In the meantime, DOE has elected to set a maximum allowable infiltration rate of 2.0 cfm/FCP without stipulating a minimum.

DOE does require, however, a maximum air filtration rate of 0.5 cfm/FCP for thermal windows and a heat transmission factor of 0.7 btu/hr.-ft.<sup>2</sup>° f.

One commenter suggested field testing, at the contractor's expense, to assure that the windows meet the specified air infiltration rating. DOE felt the suggestion was premature since ASTM E-06.51 is only now developing a standard field test method. Once such a standard is available, however, it could be used for quality control tests by the inspectors. Until a standard test method is available, this is not possible. To require each window to be tested would add substantial cost to the installation which DOE will have to weigh against the benefits to be gained.

One commenter suggested that T6 aluminum be specified to ensure longer life of aluminum windows.

T6 tempered aluminum would provide an installation with somewhat longer life, but DOE does not believe that the additional cost would be justifiable in terms of energy conservation.

Another comment suggested that all manufacturers submit with their bids a test report from an approved laboratory indicating that the product meets the standard, drawings, and window model specifications. Since no one solicits bids from manufacturers under the RCS program, the comment is not entirely applicable. It does, however, indicate the need for some form of control over products which are certified to "conform to DOE standards." After much deliberation, DOE decided not to require independent laboratory test results since this may result in considerable additional expense for a manufacturer with unclear benefits in terms of quality assurance.

One commenter suggested adding "rigid acrylic" to window frame materials. DOE agreed that rigid acrylic frames could be an effective storm window and included them in the Final Rule if they met the requirements included in BOCA research report No. 72-33.

#### 9. Clock Thermostats

The standard for clock thermostats contained in the Proposed Rule was deleted since the referenced NEMA standards only partially addressed the product and since DOE is not aware of any general safety or effectiveness problems associated with clock thermostats.

#### 10. Urea-Formaldehyde Foamed-in-Place Insulation

Numerous comments were received on the material standard for Urea-formaldehyde foamed-in-place (UF foam) insulation. The comments were extensive and varied, leading DOE to continue research on UF foam.

Based on the comments and additional research, DOE determined that the standard contained in the Proposed Rule would not adequately address safety and effectiveness and that a much greater departure from the Canadian Standard for Thermal Insulation, Urea-Based, foamed in situ, 51-GP-24M (upon which the proposed DOE standard was based) was necessary.

Extensive comments were provided on:

- Criteria for UF foam equipment
- Criteria for certification of UF foam installers
- Derating of the thermal performance of installed UF foam
- Percentage of free formaldehyde in the resin and fresh foam

A new material standard will be proposed shortly for comment. Because the UF foam material standard to be proposed will be such a departure from

the standard published earlier, DOE will provide another opportunity for comment. At that time, comments received on the UF foam standard published last spring will be addressed as well as an explanation for the approach taken by DOE in the new standard. The timing is such that a final standard for UF foam can be published prior to the implementation of the RCS Program.

#### X. Subpart I—Energy Conservation Installation Standards

All of the Installation Standards included in Subpart I are applicable only to existing residential buildings. They include minimum requirements for a generally safe and effective installation and in no way address the manufacture of the product, whether at the factory or at the installation site. Procedures included in the standards are general in nature; specific installation techniques, descriptions of the terminology and fundamentals of residential construction, and applicable local codes and regulations are not included. Although minimal safety provisions are included, *these are meant to protect the homeowner rather than the person installing the measure*. It should be noted that although these standards will provide the minimum criteria needed to ensure a safe and effective installation, actual conditions in buildings will vary greatly and in some cases, substantial additional care and precaution need to be taken.

There was a considerable number of comments suggesting that the Installation Standards were too prescriptive and that local codes and regulations should be used in place of DOE Installation Standards. The Installation Standards were originally written to ensure the general safety and effectiveness of the installation and to this end, each was reevaluated. Where it was determined that a standard was not necessary to ensure safety and effectiveness, it was deleted. Where specific provisions within an installation standard could not be justified on the basis of safety and effectiveness, they too were deleted. DOE decided not to give State and local building code jurisdictions responsibility for installation procedures used in the RCS Program, because few jurisdictions address the installation of those measures included in the RCS Program in existing housing. Where codes do address installation procedures for program measures, however, DOE has altered its position.

The proposed Installation Standards stated that they were "not intended to supersede the authority of State and

local codes and regulations unless the requirements of such codes and regulations are less stringent . . ." In response to comments, reevaluation of the intent of the legislation was made that led to a decision that DOE should not supersede local authority. The following revision is now contained in the Installation Standards: "This practice is not intended to supersede the authority of State and local codes and regulations, but is instead intended to establish minimum criteria for general safety and effectiveness. When State and local codes specifically address provisions contained herein, they may apply; when State and local codes do not address specific provisions contained herein, these practices shall prevail." The State Plan, however, should make clear when conflicts exist between the DOE standards and State or local codes and when and how these conflicts are to be resolved.

Whenever possible, DOE referenced consensus (or other recognized existing) standards for installation. Although few currently exist, DOE has approached ASTM about the need for standardized installation practices. ASTM has expressed interest in the proposed DOE standards and has balloted both the window and insulation standards within the appropriate committees. At such time that the ASTM standards become finalized, and if DOE determines that the standards adequately ensure general safety and effectiveness, ASTM standards will be referenced in place of the DOE standards.

Since the Installation Standards are new and relatively untried, it is especially likely that they will need periodic revision. When new procedures or problem areas are brought to the attention of DOE, DOE will determine if changes are necessary and propose them for public comment. If DOE is merely referencing an existing standard, DOE will bring to the attention of the standard-setting organization the need for a revision. If a standard-setting organization revises a standard referenced by DOE, DOE will evaluate the revision and propose it for comment before deciding to adopt it.

One insulation manufacturer stated that following the DOE Installation Standards would result in serious problems when applying his product.

DOE therefore determined that if any manufacturer can provide information which confirms that a product cannot be safely and effectively installed with the DOE Installation Standards, or that a manufacturer's installation instructions result in a higher level of performance than the RCS standards, an exemption can be provided.

Comments submitted to DOE also reflected confusion between the Post-Installation Inspection contained within each Installation Standard and the Post-Installation Inspection described in § 456.313 of the proposed rule. The former inspection refers to a check made by the contractor of the installation he has just performed. The latter inspection is conducted by a third party to ensure the homeowner and the listing agency that all the requirements of the Installation Standards have been met. To avoid further confusion, the post-installation inspection in the final Installation Standards has been retitled "Post-Installation Procedures."

Several comments also stated that the Installation Standards were too complicated for contractors to understand and would therefore not be followed. The Installation Standards contained in the Final Rule are regulatory in nature, but were never intended to serve as an on-the-job handbook for installers. DOE will instead provide (for most measures included in the RCS program) an illustrated, practical interpretation of the Installation Standards to be used by contractors.

#### Installation Standards for Insulation

##### A. General Issues

##### 1. Need For an Installation Standard

DOE determined that installation standards were necessary to ensure the safe and effective installation of insulation. Improper installation may reduce the thermal effectiveness of the insulation, may cause fire hazards or may lead to the deterioration of the structure. Specific hazards that can result from improper installation include:

- a. Deterioration or failure of electrical wiring components and heat buildup caused by over-fused electrical circuits or by exposed metal wire conductors, when wiring is encapsulated in thermal insulation;
- b. Fire caused by heat buildup from recessed lighting fixtures covered by insulation;
- c. Flame spread on exposed flammable vapor barriers; and
- d. Deterioration of wood structures, paint failures, and corrosion of metal fasteners and electrical components caused by prolonged moisture accumulation within building components.

Several surveys have been made to determine the general quality of insulation installations. One such survey was conducted by the Massachusetts Building Code Commission in 1978. The

survey evaluated 80 reinsulated homes with the following results:

(1) Proper clearances were observed around heat sources only 50% of the time. This is usually a requirement of local building codes to reduce fire hazards, although in retrofit situations it is seldom enforced. Insulation which covers or surrounds recessed lighting fixtures or over-wattled surface-mounted fixtures can cause sufficient heat buildup to ignite some kinds of thermal insulation or components of the fixture itself.

(2) Ventilation was observed in only 50% of the homes. Ventilation is necessary to evaporate condensation which occurs with winter temperatures. If the condensate has no opportunity to evaporate, it can settle in the insulation, rendering it ineffective, or it can permeate wood components, resulting in decay, structural damage, or deterioration of exterior finishes.

(3) Vapor barriers were installed upside down in 25% of the homes. Vapor barriers installed in this manner trap moisture between the insulation and the attic floor with the same results noted in (2) above.

(4) A wide variety of problems relating to cavity fill were observed by infrared thermography surveys, especially in installations using urea-formaldehyde foam material. When a contractor installs material blind in a cavity, substantial areas can be overlooked without the homeowner's knowledge. Inadequate cavity fill can result from blowing or foaming at an incorrect density or simply by carelessness.

Another survey conducted on 68 insulated homes in the Portland, Oregon area involved opening random wall cavities which had been filled with cellulose, mineral fiber, and urea-formaldehyde foam insulation.

Settling and incomplete filling of cellulose and mineral wool were observed. Of the twenty upper holes of the ten cellulose houses, eight had upper plates that were clearly visible along with the top of the insulation. Of those, one cavity was totally void, and another in the same house was void in the top 18 inches. This appeared to be a case of incomplete filling. Of the other full cavities, the cellulose was tight up against the top plate.

Of the thirty holes in the fifteen mineral wool homes, twelve had the top of the insulation and the upper plate clearly visible. Of the twelve, three cavities were void in the top or had settled by 2, 8, and 12 inches, respectively. In the last case an adjacent cavity was full, suggesting that the partially void cavity might not have



been filled completely. Once again the others were filled to the top, suggesting that the other cavities with voids or settling might have been incompletely filled. Numerous cases were also observed where UF foam was clearly incompletely filled in wall cavities.

In the 43 homes insulated with UF foam, shrinkage was higher than is generally reported. The mean shrinkage in thickness was 10.5% and the mean shrinkage in width was 8.5%. Measuring vertical shrinkage was difficult because it was hard to distinguish between shrinkage and incomplete cavity fill.

In addition, the Tennessee Valley Authority (TVA) has been sponsoring a home insulation program since July 1977. Out of over 50,000 homes which have had attics insulated and inspected, TVA estimates that insulation contractors were recalled 20% of the time to correct improper installations. (More recently the recall rate has dropped to about 10%). The most common reasons for recall are:

- Installing an insufficient amount of insulation
- Installing insulation over recessed lights
- Installing insulation over soffit vents.

Floor insulation, which has just been included in the TVA program since November 1978, is experiencing a 35-40% recall primarily because the vapor barriers are installed incorrectly.

It is difficult to assess the incidence of insulation-related fires, since there is considerable inconsistency in fire data reporting. Determination of fire cause is often subjective and sometimes impossible. However, the Consumer Product Safety Commission (CPSC) collected data from four states which had relatively standardized reporting procedures. (Data was collected from California [1976 and 1977], Ohio [1977], Oregon [1977], and Missouri [1977].) The data showed 880 fires for which thermal insulation was cited as the first material ignited. It should be pointed out that the data does not include those situations where insulation caused sufficient heat build-up to initiate a fire, but where another material was the first to reach ignition. (See CPSC publication "Residential Electrical Wiring Systems and Thermal Insulation" August, 1979.)

These surveys and reports indicate that improper installation is relatively common and results in potentially dangerous situations and that there is therefore a need for standardized criteria.

## 2. Wiring

By far the greatest number of comments received on the Installation

Standards concerned the wiring provisions. There is considerable laboratory data to show that when thermal insulation surrounds fixed wiring, the wiring can reach temperatures that far exceed those allowed by the National Electric Code. The severity of this hazard depends upon how high the temperatures go and how long the temperatures are sustained.

Laboratory tests at NBS showed that several variables influence the degree to which allowed wiring temperatures are exceeded. These variables include:

- Overfusing—If the overcurrent protection (either fuses or circuit breakers) is overfused, circuits may carry more amperage than intended.
- Bunched wires—circuits located in close proximity tend to absorb each other's heat.
- Damaged electrical systems—wires with frayed, cracked, or deteriorated electrical insulation, loose electrical connections, etc. can give off sufficient heat to result in hazardous conditions.
- Ambient temperature of the overcurrent protection device—the temperature at which a fuse or circuit breaker trips is dependent upon both the load being carried and the temperature of the room in which the overcurrent protection device is located. If the room is an unheated space, the wiring temperature may have to reach temperatures higher than the electrical system is rated at before tripping.

Temperature limits set by NEC can be exceeded minimally simply by surrounding a single new wire, carrying its rated load with thermal insulation. DOE does not know how this affects long term deterioration of the wiring system. However, hazardous temperatures will not be reached unless 1 or more of the variables noted above are present. NBS laboratory tests were discontinued at 300° F (to prevent ignition of the test set up) when 135% of rated current was passed through parallel wires which had no overcurrent protection were surrounded by thermal insulation. Although it seems unlikely that many homes would experience more than 1 of these conditions, more information is needed on the relative frequency of electrical deficiencies.

In the proposed rule, DOE suggested installing a trough under and around electrical attic wiring so that any heat generated within the wire would be allowed to dissipate to the air above it. Many commenters suggested that this was an impractical and unworkable way to address the problem, but no alternative suggestions were offered. Most commenters did not or could not acknowledge that the hazard was a real

one. DOE, along with the CPSC and the NBS, all agree that the potential for a hazard exists when thermal insulation is placed over and under wiring. There is still, however, a lack of information available on the probability of that hazard being realized and the best way to solve the problem. CPSC is in the process of collecting fire incidence data from fire marshalls across the country. A total of 880 fires were recorded in four states over a one to two year period where thermal insulation was the first material ignited. Of these fires, the most common cause of the fires (17%) was fixed wiring. Specifically, the causes were deteriorated electrical insulation and overfusing. Data needs to be collected and verified to determine how accurate and representative the information is.

DOE, in conjunction with the utilities across the country, is in the process of measuring temperatures reached by attic wires and the length of time the temperatures are sustained. The demonstration will include approximately 2,000 homes and will help DOE determine how significant a correlation exists between laboratory data and conditions in actual homes. Until this data is collected and analyzed, a section for a wiring provision will not be included in the Final Rule.

## 3. Moisture Control Requirements

A wide range of comments was provided regarding the vapor barrier requirements. Many commenters thought that the provisions in the Proposed Rule were too lax. They suggested that a vapor barrier be required whenever wall insulation was installed and that it was equally as important to install a vapor barrier in Condensation Zone 3 (See Figure 1 in § 458.905(C)(2)) as it is in Zone 1. Several commenters who made these suggestions were from the State of Oregon. In an effort to resolve these conflicts, DOE, in conjunction with the Oregon DOE, several northwest utilities, and others, conducted a demonstration to determine if homes in the Portland area (Condensation Zone 3) were likely to experience moisture problems if walls were insulated without a vapor barrier. Much attention had previously been given to a report written by Oregon Department of Veteran Affairs which stated, "As the use of insulation increases there will also be an increase in the potential of moisture damage to structures, from uncontrolled moisture. Vapor barriers, properly installed, are the best means of effectively controlling the migration of moisture within the structure." Additional information

provided by the Oregon Department of Veterans Affairs (DVA) revealed that 40% of the homes accepted as security for a DVA loan that were more than 3 years old had visible moisture damage requiring repair and the average cost of repair was \$700. DVA claimed that "the cost of repairing damage caused by uncontrolled moisture reaches \$407,000 per month or nearly \$5,000,000 per year."

The report implied that moisture damage was caused by insulation without a vapor barrier. Further investigation of this report showed that no effort was made to determine whether or not insulation existed in the wall cavities with moisture problems nor was any effort made to categorize the cause of the moisture. In other words, many (or perhaps most) of the problems were possibly due to plumbing leaks within the wall cavity or penetration of water from the exterior of the wall.

In the demonstration noted earlier, which was partially funded by DOE, 96 wall cavities of Portland residences were opened to take moisture readings from insulation and structural components. All of the wood samples had less than 20% moisture content, with an average moisture content of 11.8%. This is well within the normal range for moisture content in wood. This demonstration, as well as input from experts around the country, led DOE to determine that vapor barriers should not be a requirement in Zone 3, nor should they always be a requirement when insulation is installed in walls. The Installation Standards remain mute on the issue of installing a vapor barrier in Zone 3 so that if local authorities feel it is necessary, they may add the requirement. In the same way, if local authorities determine that other aspects of the Installation Standards are not stringent enough, they may add additional requirements.

#### 4. Clearances Around Heat Sources

Several commenters requested that DOE eliminate "non-flammable rigid cardboard" as a barrier material around heat producing devices. The material was eliminated since it is difficult to establish test and inspection criteria for the material. Non-flammable rigid cardboard is also less durable than other materials cited.

The proposed rules required a 3-inch minimum air space around all heat-producing devices and appliances. As one commentator pointed out, this is inconsistent with provisions of the National Fire Protection Association (NFPA). NFPA numbers 54, 31, and 211 are referenced in the Final Rule to cover clearances around gas and oil-fired

appliances, vents, chimneys and their connectors. The Final Rules specify clearances which must be maintained between heat-producing appliances and combustible materials. Non-combustible materials are defined as meeting the provisions of ASTM E-136. Therefore, when installing insulation materials which meet the requirements of ASTM E-136, the clearances around vents, chimneys, and their connectors need not be observed.

Several commenters said that the requirement for all barriers around heat sources should be eliminated since the practice may be costly. DOE still maintains that it is not possible to assure compliance with either the NEC (when maintaining clearances around lighting fixtures) or NFPA (when maintaining clearances around heat-producing appliances) without installing a barrier between loose-fill insulation and the heat-producing device. Higher levels of insulation cannot form a permanent self-retaining wall. In addition, ventilation or other disturbances in the attic could easily destroy a retaining wall made from the insulation itself. DOE determined that barriers should be installed according to § 456.905(c)(1)(iii) whenever insulation not meeting the noncombustible criteria is installed around specific heat sources identified in the provision.

Two commenters mentioned doorbell transformers as a heat-source which should be specifically mentioned when maintaining clearances. DOE maintains that the existing wording which includes "other heat-producing devices" is sufficient.

#### 5. Contractor Liability

There was considerable concern by contractors that some of the provisions in the Installation Standards would result in greater contractor liability. Specifically cited were those provisions in the Proposed Rule which required inspection of the building to determine whether or not a moisture problem exists and which required a determination of the structural soundness of the building. Although DOE still thinks the intent of the provisions is justified, they have been reworded to reduce contractor liability (See § 456.905(c)(vi)).

#### 6. Limitation of Insulation to Areas Between Conditioned and Nonconditioned Spaces

Several commenters suggested that insulation should be allowed to be installed in areas other than between conditioned and non-conditioned spaces. Conditioned space is defined as an area serviced by a heating or cooling

system. (This means that rooms which are essentially closed off from the rest of the house could be defined as unconditioned spaces.) They felt an exception should be made where individual room control or zone heating or cooling is used. DOE agrees that there are advantages (primarily comfort) to insulating all four walls of a zone heated room. The economic advantages, however, would be minimal at best. DOE still thinks that the purpose of insulation (as well as all program measures) in the RCS Program is to conserve energy and it must save a sufficient amount of energy to make the investment reasonable. Therefore, DOE has defined wall, floor, and ceiling insulation in a manner to exclude insulation between conditioned areas. See § 456.105.

There is no need to prohibit such installation in the installation practice. This might give the impression that home owners should not insulate between conditioned spaces for reasons other than energy savings.

#### 7. Limitation of Wall Insulation to Walls Which Previously Had None

Several commenters felt this was an unreasonable position since a homeowner could achieve additional savings by adding insulation to an already insulated wall. DOE still maintains that additional wall insulation is unlikely to result in sufficient energy savings to offset the cost of the installation, but, it was determined that this issue is more appropriately handled in the audit because it involves the cost effective use of the measure, not its safety or effectiveness. Wall insulation is not an applicable program measure where wall space already has insulation. The provision prohibiting additional wall insulation was therefore eliminated in the Installation Standards in the final rule.

#### 8. Ventilation Requirements

The proposed Rule required that one of three ventilation options, consistent with the HUD MPS, be met within six months following the installation of attic insulation. Several commenters suggested that six months should not be allowed to pass before ventilation was installed, especially if an appliance using inside combustion air was located in the area to be insulated. DOE agreed with these comments and has removed the six month time frame.

Some commenters suggested that the ventilation requirements were too stringent. They suggested that relatively arid climates did not need the same amount of ventilation required by more humid areas. DOE agrees that this may



be a fair assessment, but more information is needed. DOE will therefore be examining this issue, both in the laboratory and in the field. If our examination verifies statements received during the comment period, the Installation Standard will be revised accordingly using the procedures described earlier.

One commenter provided a specific example of flat-roofed row houses in Baltimore which could not accommodate the ventilation requirements. The commenter questioned the need for ventilation since the fascia construction is loose enough to permit the escape of moisture. DOE maintains its position that ventilation is an essential prerequisite to insulation. Under the RCS program, an alternative to installing insulation in the attic space where adequate ventilation cannot be provided, would be to install board-type insulation on the interior of the ceiling.

## B. Specific Insulation Issues

### 1. Loose Fill

One commenter said that DOE had omitted an important retrofit application to interior walls—that of installing furring strips, an interior finish, and blowing in loose fill insulation. DOE determined that this was an expensive and unlikely application and one which was not likely to be cost-effective. The suggestion was not incorporated.

Several commenters requested that a separate standard be issued for loose fill mineral fiber instead of combining it with the requirements for cellulose. Although DOE would agree that requirements should vary depending upon the characteristics of each insulating material, the only significant difference in application as described in the Installation Standards relates to the combustibility of the materials. In the proposed rules, a three-inch airspace was not necessary when installing mineral fiber, perlite or vermiculite around flues and chimneys. The Final Rules do not differentiate between materials except to say that only materials which are non-combustible per ASTM E-136 may be installed next to flues and chimneys.

All types of loose fill insulation are combined in the Final Rule in one standard. The standard now includes mineral fiber (including rock wool and glass fiber), organic fiber (including cellulosic), and mineral cellular (including vermiculite and perlite). Although mineral fiber and organic fiber are generally blown, while mineral cellular is more commonly poured, DOE has determined that there are not sufficient differences in the application

of these materials to justify two separate standards. One provision regarding maximum allowable loads on attic floors originally contained in the Proposed Rule under "Standard Practice for the Installation of Mineral Cellular Loose-Fill Thermal Insulation" is reserved in the Final Rule pending additional comments.

### 2. Mineral Fiber Batts and Blankets

One commenter requested that DOE delete its requirement for a 15-minute finish rating (per ASTM E-119) on the interior side of kraft-faced batts and blankets. DOE has no justification for removing this requirement since most building codes specifically require it. If building codes specifically permit less than a 15-minute finish rating, DOE will also accept the code requirement (See Section 456.904(a)(3)).

Other commenters requested that the requirement to tape tears and joints in the vapor barrier and ground cover be deleted. DOE did not delete these requirements since tears and joints destroy the effectiveness of the vapor barrier. If the insulation facing is to serve as a vapor barrier as defined in § 456.903(b)(28), penetrations cannot exist.

### 3. Rigid Board

Considerable confusion existed in the Proposed Rules regarding vapor barrier requirements. These have been rewritten in the Final Rule in tabular form for clarity (See § 456.907 Table 1). Generally, requirements for vapor barriers are determined by permeability of the insulation, existence of insulation in the wall cavity and the location of board insulation. In addition, where the manufacturer recommends venting of the wall cavity to the outside, this should be provided.

Several commenters said there was no justification for installing a protective cover over the board around the exterior perimeter unless impact is expected. In most applications, they claimed backfill provides sufficient protection. The Final Rule requires a protective cover only above ground.

One commenter suggested that only boards with a water absorption of 0.1% or less when tested in accordance with ASTM C-272 should be installed on foundation perimeters. DOE agreed with the suggestion and will limit underground applications of rigid board to Type III Polystyrene as described in Section 456.808.

There was considerable controversy over the validity of the Diversified Test Clause in determining when a 15-minute fire rated finish is necessary. Most building code jurisdictions reference

ASTM E-119 to determine the finish rating requirements of building constructions, including that of rigid board insulation materials used in a wall system. Some jurisdictions, however, have determined that the "Diversified Testing Clause" can be more appropriately used to determine the fire characteristics of the rigid board materials. DOE does not wish to supersede local codes and regulations. The Installation Standard therefore requires the 15-minute finish rating on the interior side of rigid board materials. However, Section 456.904(a)(3) was included so that if local codes specifically require or allow the Diversified Testing Clause, the local provision will prevail.

### 4. Reflective

Considerable controversy existed on whether or not to include reflective insulation in the RCS program. Comments from varied sources said that the material, in its installed condition, was inferior to other forms of residential insulation. DOE found no evidence to substantiate this. Tests conducted by the NBS show reflective insulation to be a viable insulation. It was also determined that there was no justification for limiting the use of reflective insulation to underfloors only. Although the thermal performance of the material is reduced when installed in walls and ceilings, it was determined not to prohibit this application.

Several commenters said that dusty, dirty surfaces would reduce thermal performance. Although this is true, it was determined unlikely that more than one surface of multilayered material would become dusty or dirty, thus reducing the insulating value only minimally.

One commentor said that an electric short circuit is possible where the reflective insulation contacts wires. Although this is true, the proposed and final rule require that all electrical equipment be grounded prior to installation. DOE maintains this precaution will substantially reduce the potential for short circuiting. Some commenters said there was no justification to require the taping of joints. DOE has determined that taping of joints is essential to maintain the integrity of the separation of individual air spaces. The original provision requiring taping of joints was retained.

### 5. Ducts

One commenter suggested inclusion of a note which warns about the potential of freezing pipes when ducts in unheated basements or crawlspaces are insulated. DOE has included a note

similar to the one already included in all Installation Standards which address basement or crawlspace insulation.

One commenter suggested that duct insulation be limited to ducts in unconditioned spaces. Although some energy savings are likely regardless of the location of the ducts, DOE agreed with the suggestion because duct insulation is most effective in unconditioned spaces. One commenter suggested that joints of duct insulation need not be butt-jointed. The commenter suggested joints could be overlapped and that tape was only necessary when vapor barriers were attached. DOE agreed that overlapping was an acceptable alternative method and revised the installation standard accordingly. (See § 456.905(d)(5)(iv).)

#### 6. Water Heater Insulation

DOE determined that a standard for water heater insulation is necessary since hazards such as fire, burns from scalding water, and release of toxic gases could occur if the insulation is improperly installed. Improper installation includes:

(a) Installing insulation in such a way so as to block the draft hood relief opening or pilot light air intake.

(b) Reducing the heat loss sufficiently so that the pilot light input is greater than the jacket heat loss. This could result in overheated water or opening of the pressure relief valve.

Several people commented on these potential hazards and expressed concern about installing insulation on gas-fired water heaters. Concerning improper installation around draft hoods and pilot lights, DOE maintains that if reasonable attention is given to the Installation Practices, a hazardous situation is unlikely to occur. A DOE Report ("Insulation Refit Kit for Domestic Water Heater" March 23, 1977) states "... the warning on the installation instructions, together with the odds of achieving exactly the correct amount of air blockage, coupled with a positive downdraft, all result in a very small risk."

Reducing the standby loss through the tank to the extent it is exceeded by pilot light input was also a concern to some commenters. Tests conducted by Calspan Corporation for the CPSC showed that this was an unlikely occurrence except on old units with exceptionally large burners with high pilot input.

A vent damper, which is intended to reduce standby heat losses, could also lead to overheating of reinsulated water heaters. As a safety precaution, the Installation Standards prohibit the

application of additional insulation to water heaters so equipped.

Some commenters suggested that water heater insulation only be recommended when the water heater is in an unconditioned space. The DOE publication noted above, shows that water heater insulation has a favorable payback regardless of the ambient temperature. Savings, of course, will be greater when the water heater is located in an unconditioned area. Although heat loss from the water heater in a conditioned space may reduce the load on the residential heating system, the space heating system is still a more efficient way to warm a home than a water heater. In addition, heat loss from a water heater in a conditioned space may add to the air conditioning load in summer. DOE has therefore not limited application to unconditioned spaces.

Many commenters suggested changing the terms "flue damper" and "flue pipe" as they relate to the definitions in § 456.903 and figures 2 and 8 in § 456.912 to "vent damper" and "vent pipe" to make them consistent with other definitions in the regulations. DOE readily agrees to this change.

One commenter recommended limiting water heater jackets to one-piece construction only to ensure safety. Although DOE agrees that 1-piece construction is safer than multi-piece construction, the Installation Standards contain minimum requirements and DOE has no information which shows multi-piece construction to be unsafe.

One commenter said that the facings noted in the definition in § 456.902(3) of the proposed rule are not non-combustible. The definition has been changed to replace "non-combustible" with a specific flame spread classification.

#### 7. Window Systems

DOE determined that a standard is necessary to ensure the effective installation of window and door systems. Improper installation of units can reduce their thermal effectiveness, lead to excessive condensation and promote deterioration of wall constructions, windows, doors, and their respective finishes.

"The Standard Practice for the Installation of Storm Windows, Thermal Windows, Multi-glazing, Storm Doors and Thermal Doors" was submitted to ASTM for adoption in April 1978. If all negatives are resolved, an ASTM standard may be in place shortly. Future publications or revisions of the RCS regulations will therefore refer to the ASTM standard practice noted above.

It was not possible, nor did it appear necessary, to specifically address all

types of window systems. DOE determined, for instance, that although guidance would be helpful, it was not necessary to include installation procedures for heat reflective or absorbing films. So many variables exist which impact the effectiveness of the films that it is difficult to be specific. Effectiveness, for example, is partially dependent upon climate and orientation. The summer effectiveness, for instance, of permanent heat reflective film may be offset by the loss of potentially beneficial solar gain. DOE believes, on the whole, however, acceptable installations can be achieved by following the manufacturer's instructions. One manufacturer of a 4-mil PVC frameless plastic storm window requested the development of both material and installation standards for his product. It would be impractical to develop installation standards for specific proprietary products. The absence of a standard (either material or installation) does not prohibit any product from inclusion in the RCS program, unless DOE specifically determines that a standard is necessary for a particular product. All products, however, must meet the appropriate definition in § 456.105 to be included in the program.

Several commenters mentioned the need to reference the requirement for safety glazing in storm doors in accordance with CPSC standards. This reference is included in § 456.911(g)(1)(vi).

Several comments were submitted regarding types of fasteners and anchors required by DOE when securing storm windows. DOE required that only aluminum or stainless steel fasteners and anchors be used on aluminum storm windows to avoid galvanic corrosion. It is true that for some exceptionally arid areas, most plated fasteners or anchors could perform acceptably, and that some plated fasteners and anchors could perform adequately in areas of average rainfall. On the other hand, coastal areas may need special stainless steels (such as type 316) for highest performance. Because fasteners and anchors are not a high-cost item, DOE would rather err on the side of higher quality and avoid the potential of having to replace corroded parts.

Many additional comments were submitted by ASTM committee members and resolved in the appropriate subcommittee.

#### 8. Replacement Oil Burners

DOE has determined a need for an Installation Standard for Replacement Oil Burners to ensure an effective installation and to provide criteria for

determining when a replacement oil burner is cost effective. The installation standard covers warmers, hot water, and steam heating oil-fired systems, but does not cover firing rate reductions for steam heating systems. This is because steam boilers are considerably less flexible in accepting firing rate modifications than hot water or air furnaces because of the boiler's need to provide the rate of steam distribution throughout the system. Because the efficiency of an oil-fired heating system is dependent upon clean surfaces and proper tuning, DOE has included in the Installation Standard a requirement for related procedures. A homeowner with a low efficiency furnace may not necessarily benefit sufficiently from a replacement burner to justify its cost. Tuning, cleaning, and optimizing the nozzle size may increase the efficiency of the existing oil burner considerably, so that a replacement burner is no longer a good investment. In addition, it is important for DOE to establish minimum criteria for determining the relative efficiency of the oil-fired appliance. Minimum criteria are included in § 456.913(c) to ensure some standardization of results.

Several commenters mentioned the importance of cleaning and tuning the oil burner to achieve optimum efficiency. DOE has therefore included a more complete requirement for evaluating and optimizing the existing burner which includes removing soot from heat transfer surfaces, sealing air leaks around burner tubes, cleaning or replacing air or oil filter, etc.

Two commenters complained about a DOE recommendation for replacement burner parts rather than burner replacement. DOE does not recommend replacement parts other than the nozzle which is a relatively an inexpensive item.

Several commenters objected to the replacement criteria in the proposed Installation Standards. Some commenters felt that replacement criteria were unnecessary. One commenter felt that any burner with a steady state efficiency of less than 75 percent should be replaced. Criteria are included in the Final Rule to help consumers determine how good an investment a replacement burner is. Few homeowners know enough about furnace efficiency to make judgments about this investment. As was stated in the Proposed Rule, the replacement criteria are based on economics—as are all the other key elements in the program. Actual replacement criteria are not included in other Installation Standards, however, because, for the

most part, the other measures included in the RCS program are not replacements, but additions. One commenter felt it was the purpose of an audit, not the Installation Standard, to provide dollar savings information. While this is true, it would be burdensome for an auditor to conduct the cleaning and tuning tasks necessary to determine the efficiency of the burner. Replacement criteria are therefore retained in the Final Rule.

One commenter claimed the replacement criteria did not take into account the increased cyclic performance of the new high efficiency burners. Tests conducted by Walden Division of Abcor Inc., for NBS showed that both conventional and high speed flame retention heat burners have approximately the same relationship between their steady state and seasonal efficiencies. (See "Study to Evaluate the Energy Efficiency Improvement of Residential Heating Modification" by L. Katzman and J. Monat, May 1978, Walden.) In addition, they found that there was not significant difference between off-cycle losses on a system using a flame retention head burner as compared to the off-cycle losses using a conventional burner. When sufficient data becomes available, a correction factor will be added to properly credit burners that achieve a better seasonal efficiency as a percentage of their full load efficiency than conventional burners. In the meantime, DOE has determined that the procedure for replacement criteria treats both flame retention and conventional burners fairly and that the table presented in the proposed rule will be retained.

Regarding § 456.913(e) "Selection of a Replacement Burner," several commenters suggested DOE had erred in stating that the K-Factor may be too high if the house has been weatherized since the last heating season. DOE agrees with the commenters that the K-Factor may be too low. This change is incorporated into the Final Rule. Other commenters complained about the equation for determining the minimum nozzle size in the same section. Commenters stated that the minimum nozzle size could be "readily and accurately determined by the heat loss calculations made in the energy audit." This approach does not appear practical since DOE is not requiring a complete furnace audit to be done by the auditor. It is DOE's position that the equation in both the Proposed and Final Rule using the K-Factor is superior since it provides the integrated energy consumption over the heating season.

## 9. Clock Thermostats

Upon re-evaluation of the Proposed Installation Standard for Clock Thermostats, DOE determined that the standard was unnecessary. If manufacturer's installation instructions are followed, no serious safety or effectiveness problems should result.

The only comments submitted on the clock thermostat standard related to the applicability of clock thermostats to heat pump systems. Most commenters recommended that clock thermostats should not be installed on a heat pump system since, during the heat recovery period, the less efficient auxiliary resistance heating will be turned on. This, they argued, could offset the savings accumulated during the setback time period.

This position is contrary to that supported by NBS and ASHRAE. NBS, after holding a workshop on the subject in November 1977, concluded that if a thermostat were set back approximately 5 degrees per night, the homeowner would save energy approaching that which would have been saved with an alternate heating system. On any given night, if the temperature is near the system balance point, the homeowner may experience a net energy loss, but over the entire season the homeowner will save. "Savings in Energy Consumption by Residential Heat Pumps" published by Oak Ridge National Laboratory (ORNL/CON-4) claims, "Further reduction of temperature at night will produce additional savings with a heat pump, but not by as great a percent as may be achieved with a constant capacity system. The concern that increased use of auxiliary resistance heaters during the morning recovery period following night setback might result in increased energy consumption, rather than a saving, is seen to be unfounded." (For additional information see ASHRAE Transactions 1978 "Energy Savings Through Thermostat Setback with Residential Heat Pumps.") DOE therefore maintains that, if care is exercised in the setback procedures, clock thermostats can result in energy savings on a heat pump system.

## XI. Regulatory Analysis and Urban Impact Assessment

The President, by Executive Order 12044, has directed agencies of the Executive Branch to conduct a Regulatory Analysis of regulations which they prepare that are likely to have a major economic impact. In accordance with OMB Circular A-116 to assess the impacts on urban centers and communities, an Urban and Community

Impact Assessment should be prepared when the proposed rule is a major policy and program initiative. This assessment should be incorporated into the Regulatory Analysis.

DOE determined that the Residential Conservation Service Program, authorized under Title II, Part 1 of the National Energy Conservation Policy Act, was a major action and required preparation of a Regulatory Analysis and an Urban and Community Impact Assessment. Consequently, the Department prepared the two analyses in draft in conjunction with the publication of the Proposed Rule for the RCS on March 19, 1979. These analyses have been finalized for publication in conjunction with the Final Rule. The Final Regulatory Analysis which incorporates the final Urban and Community Impact Assessment is summarized here. A single copy of the Regulatory Analysis may be obtained by writing: Mr. James R. Tanck, Director, Residential Conservation Service Program, Office of Assistant Secretary for Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, N.W., Washington, DC 20585.

#### *A. Responses to Comments on the Regulatory Analysis*

This part presents the public comments on the Regulatory Analysis (RA) and the responses to each. The specific comments and responses are presented according to topical areas. These are as follows: Section A presents comments on the analysis of impacts to states. Section B presents comments on the analysis of the program announcement which is required by the RCS Program regulations. Comments concerning the response rate to the Program are addressed in Section C. Section D presents comments on the analysis of the audit. Section E presents a comment on the analysis of impacts on home heating suppliers. Section F presents comments on the analysis of energy savings. General comments on the Regulatory Analysis are addressed in Section G. Section H presents comments on the Urban and Community Impact Analysis.

##### *1. Comments on the Analysis of Impact to States*

The following comments address that portion of the RA which analyzes impact on states. These comments, which address cost estimation and state regulatory authority impacts, and their responses follow.

Several comments stated that the projected costs of the RCS Program to the states is unrealistic and

underestimates the percentage cost of the RCS Program to the states. The analysis must also focus on the ability of states to raise the necessary funds, and the impact of direct federal funding for those states that are unable to raise the necessary financing.

In addition to the national cost comparisons DOE used to evaluate RCS Program impact on all states, the DRA also includes other comparisons to show the level of impact on individual states. These include percentage increases in state energy office staff or the public utility commission staff, per capital costs, and program costs per million Btus of energy savings for sample states.

The analysis recognizes the issue of a funding source for state planning but does not include an in-depth analysis of these state-specific problems as the focus of the analysis is national. NECPA anticipated that existing state grants would be sufficient for the RCS Program; the analysis, however, suggests otherwise. It should also be noted that federal stand-by authority will be exercised in cases where states do not prepare an RCS plan.

It was also commented that auditor training costs will be greater than assumed in the DRA. Testimony presented at the hearing on the DRA includes estimated costs for auditor training which range from \$63.00 to \$75.00 per person per day for training sessions of an estimated duration of three days to three weeks.

In response it is noted that the RA estimates the cost of conducting a session at \$45.00 per person per day plus curriculum development costs. The estimated development cost of \$10,000 increases the per-person cost of providing training by different amounts in different states since the per-person development cost is dependent upon the number of auditors trained per state. For the nine sample states, curriculum development costs per auditor range from \$11.72 to \$416.00. The addition of these development costs to the cost of conducting training sessions raises the RA per-person estimate to an amount which in most cases exceeds those presented in the testimony.

A two-day training session has been determined to be adequate time for conducting a training session covering the content specified in the rule assuming that the trainee has some prior knowledge of basic housing construction.

Several comments also stated that master record maintenance costs will be greater than estimated.

A response to this testimony is not possible since supporting documentation to the statement that master record

maintenance costs are too low was not provided. The costs estimated by DOE for maintenance of the master record take into account the anticipated workload which will be generated by listing activities and the number of employees which would be required to compile and maintain the master record. DOE believes that number of employees (one to four, depending on the volume of work) is a reasonable estimate of employment requirements and costs for the master listing activity.

Finally, the comment was made in regard to regulatory authorities that the area of rate case impact should be more fully explored in the regulatory analysis regarding the delay on other more important rate matters. Further, the regulatory analysis should fully address financing questions and economic impacts on utilities.

DOE disagrees with this comment, referring to the analysis of impact on state regulatory authorities which indicates that, in general, approval of rate increases due to utility implementation of the RCS Program will not result in a significant impact. It does point out, however, that in some circumstances, utility requests for expensing of program costs may result in a heavier workload for the state regulatory authority. A more detailed analysis was not conducted due to the indications of commissions contacted that the impacts could not be estimated based upon existing caseloads and a lack of data.

The impact of different program financing arrangements on utilities is shown through the various customer response rates which are based upon the direct cost of audit services to participating customers. Regarding the concern that utilities cannot recover the costs while a case is pending, further research has found that at least one utility offered the audit at a charge to the customer during a rate review period. The policy of this utility is that if the review finds that the audit may be fully expensed, and, therefore, given free of charge, those customers who had paid for the audit during the review period would be reimbursed for the audit fee.

##### *2. Comments on the Analysis of Program Announcements*

The following comments address that portion of the Regulatory Analysis which is concerned with the program announcements. These comments and the responses to them follow.

A number of comments stated that the cost estimate for the program announcement is too low, and that the cost of printing and processing the

announcement should have been included.

DOE agrees with these comments, and has conducted additional research which indicates that costs of printing and processing the program announcement would amount to approximately \$.11 per announcement if developed by in-house utility staff, or \$.25 per announcement if developed by another firm and purchased by the utility. For a utility of average size, the resulting range of processing and printing the announcement would be from \$33,000 to \$75,000. This cost would be incurred by the utility three times during the five-year Program. Therefore, the total processing/printing cost of the program announcement would increase the Program costs estimated in the DRA (Table IIID-34) by \$99,000 to \$225,000, or 1.30% to 5.48% over the five years of the RCS Program.

Additional comments on the Program Announcement costs stated that the assumption that the bulk mailing rate will be used is not sensitive to the fact that most people discard junk mail; therefore, if DOE wants the Program to be effective, utilities will have to use a more expensive form of mailing. The comment was also made that mailing costs will occur every other year; they should not be averaged over all years.

DOE does not agree with these comments and clarifies that the proposed rules does not require that the program announcement be sent by first-class mail, and the estimates given in the RA reflect the minimum cost that a utility would have to incur to fulfill the requirements of the rule. If, however, a utility of average size chooses to send the program announcement, the mailing costs would be increased by \$19,800. This would increase the Program cost estimated in the DRA (Table IIID-34) by a range of 0.26% to 0.48% over the three baseline activity level estimates.

The RA also acknowledges that the cost of mailing the program announcement will occur every two years rather than annually in part 2c of Chapter IIID, pages III-103 to III-104. Placing one-half of these costs as part of the annual burden to an average-sized utility was done for the sake of completeness of that burden, and as an analytical construct. In this case, the relevant representations of the actual burden or cost to the utilities of mailing the program announcements are the five-year totals for the average-sized utility and for the aggregate.

### 3. Comments Concerning the Response Rate to the RCS Program

This section addresses the comments concerning the response rate to the RCS

Program's audits. The comments and corresponding responses are presented below.

Several comments on the response rate stated that: (a) the response rate for free audits will not be a constant; rather it will be bell-shaped, and (b) 7 percent is too high since many audits will be paid audits, and a scenario with a paid audit should have been considered.

In responding to part (a) of this comment, DOE feels that a bell-shaped response to the RCS Program is possible if there is low response at the beginning of the Program and word-of-mouth plus advertising result in increased response, with a tapering off of response toward the end of the five-year Program. In researching energy audit programs which are presently offered, however, there was no evidence that demonstrated any specific pattern of response as being representative. The assumption of a constant rate of response was therefore chosen first, because no other shape of response was indicated by the available data, and second, because most utilities attempted to evenly distribute the number of audits provided each month as a way of managing the resources available to the utility.

In responding to part (b) of the comment, DOE disagrees, and the response rates are clarified as follows. The 7 percent response rate represents the maximum likely annual response which could be expected if the audit is

provided free of charge. A second scenario is also presented in the full Draft Regulatory Analysis which represents the average likely response which could be expected if there were a nominal charge of about \$15 for the audit. The annual response rate in this second scenario is 1.5 percent. Each of these response rates was based on data obtained from utilities which have audit programs similar in scope to the RCS Program. These data indicate the response rate falls to zero for an audit charge of more than \$31. Therefore, if customers are charged the full cost of the audit, the response rate to the RCS Program is likely to be negligible.

A few comments stated that the assumed 75 percent follow-up installation rate is too high; 40 to 45 percent is more realistic.

In response to this comment, the same calculations were undertaken using a 40 percent follow-up installation rate. An assessment of this change is presented below for each of the three target groups which are impacted. Because DOE has not been able to find evidence to support the 40 percent rate, while it does have support for the 75 percent rate, the following is offered as a sensitivity analysis only, and does not imply agreement with the comment.

a. *Impact on Utilities.* Reducing the installation rate affects the following employment and cost categories as listed below:

	Total aggregate employment (Percent)			5-year aggregate cost (Percent)		
	75	40	Change	75	40	Change
Employment category:						
Administrative	710	486	-32			
Clerical	1,372	1,129	-18			
Post-installation inspectors	444	198	-55			
Cost categories:						
Arranging costs				\$115.1	\$54.4	-52.7
Post-installation inspection costs				103.8	67.3	-35.2
Total program costs				1,997.6	1,902.3	-4.8

These figures show that, for utilities, the man-power requirements are reduced considerably, and the cost categories which reflect these changes in manpower are also significantly affected. These cost reductions, however, affect total program costs by less than 5 percent of the total aggregate cost of participation by all utilities.

b. *Impact on Home Heating Suppliers.* Reducing the installation from 75 percent to 40 percent affects only the

manpower requirements and costs related to post-installation inspections for home heating suppliers. The manpower requirement in this category falls by about 50 percent, from 76 to 38 positions required each year for all home heating suppliers. This reduction in post-installation inspectors has no significant impact on the five-year aggregate cost of the Program: this cost falls from \$785.1 million to \$776.7 million, or only 1 percent. Similarly, the cost to an average-sized home heating supplier as a result of this change in



assumptions falls from \$19,686 to \$19,451, or 1 percent.

*c. Impact on Household Investment and Energy Savings.* Changing the installation rate assumptions from 75 percent to 40 percent would result in the number of each measure which is purchased and the corresponding energy savings to be approximately 53 percent of the level calculated for the 75 percent rate. The number of purchases and corresponding energy savings which would occur are listed below for both the 75 percent and 40 percent installation rates.

The impact of this change in the installation rate would reduce costs of operating the RCS Program from \$4.925 billion to \$4.819 billion. The savings in energy costs over the lifetime of the

energy conservation measures installed would be reduced from \$52.8 billion to \$28.2 billion.

Other comments also expressed the concern that the number of homes for which the domestic solar water heater (DSWH) audit must be offered appears to double or triple as a result of the decision to offer this audit to all households in a region if they cost-effectively displace any water-heating fuel. This comment is a correct interpretation of the Proposed Rule and its probable impacts.

Finally, several comments stated that the RA has not considered a scenario of large scale non-participation caused by conservation efforts outside of the RCS Program.

Class A audit in the RCS Program.

A second comment stated that audit costs will be higher because some audits will have to be performed nights and weekends and some auditors will be union.

DOE disagrees, and in response clarifies the derivation of the audit cost used in the RA. The audit cost of \$25 per audit-hour which was used in the Draft Regulatory Analysis (DRA) includes \$9 per hour wage rate for the auditor, an adjustment for overhead and fringe benefits, and funds to cover clerical, administrative, and computer support for the audit. These figures were based on numerous discussions with personnel of utilities which presently have on-site energy audit programs and firms which provide energy audit services. In many cases, the audits which are provided by these utilities and firms are conducted during evening and weekend hours. The audit costs which were used in the DRA therefore already reflect the costs of conducting audits outside of normal business hours.

Several comments were made that the estimated time that it takes to do the audits either individually or collectively are extremely low and do not appear to be based upon any realistic method of estimating nor on any pilot studies or tests, especially with regard to the time required for complying with all the requirements set forth in the Proposed Rule and the non-productive time associated with any occupation, especially one that requires travel and customer contact. In response, it should be noted that, with regard to the regulatory analysis, estimates of the time that it will take to do an audit are consistent with levels of audit detail and auditor skill requirements represented by the audit as specified in the rule. A time analysis had been conducted as support for the estimates used for each of the conservation and renewable resource audits.

The comment has also been raised that the Draft Regulatory Analysis should assume one combined audit rather than two separate audits. This is incorrect—the Draft Regulatory Analysis correctly reflects the Proposed Rule which includes separate renewable resource and conservation audits.

The comment that the Draft Regulatory Analysis does not address the cost effectiveness of solar or wind energy device audits was related to the concern that while certain regions of the country are likely candidates for such audits, the Proposed Rule dictates that all regions must include them. This is incorrect. The Proposed Rule says that audits are required only for "suggested

Measure	Number purchased <sup>1</sup>	Energy savings			
		1st year total Btu energy savings × 10 <sup>9</sup>	Lifetime total Btu energy savings × 10 <sup>9</sup>	1st year cost (\$ savings) × 10 <sup>3</sup>	Lifetime total cost (\$ savings) × 10 <sup>3</sup>
75 Percent Installation Rate					
R-19 attic insulation.....	3,295	126,171.81	2,523,436.21	350,558.67	7,011,296.06
Hot water heater jacket.....	11,671	32,808.34	164,041.73	120,047.90	533,876.01
Clock thermostats.....	10,984	154,996.32	3,099,926.45	353,743.00	7,074,860.30
R-13 wall insulation.....	10,813	260,086.17	5,201,723.41	1,889,273.31	37,785,760.35
Electric pilot.....	1,155	5,313.00	53,130.00	36,844.50	368,445.00
Total .....		579,375.64	11,042,257.80	2,750,467.38	52,794,237.00
40 Percent Installation Rate					
R-19 attic insulation.....	1,757	67,291.63	1,345,832.64	186,964.62	3,739,357.90
Hot water heater jacket.....	6,224	17,497.78	87,488.92	64,025.55	320,147.86
Clock thermostats.....	5,858	82,664.70	1,653,294.11	188,622.93	3,773,258.83
R-13 wall insulation.....	5,767	138,712.62	2,774,252.48	1,007,612.43	20,152,405.52
Electric pilot.....	616	2,833.60	28,336.00	19,650.40	196,504.00
Total .....		309,006.34	5,889,204.16	1,466,915.94	28,181,673.91

<sup>1</sup>Total households installing measures 1980-1985 equals number purchased.

DOE agrees with this comment, but explains that this scenario was not considered in the RA because research indicated that few conservation programs already in existence include either as many energy conservation measures or renewable resource measures as does the RCS Program. Many programs currently in operation include only ceiling or attic insulation and storm windows. For this reason, it is possible that homeowners who have already participated in a program may also be interested in participating in the RCS Program and obtain information which had not been previously available through an existing program. DOE also notes that the RCS Program is complementary to other federal programs, such as tax credits and low-income weatherization.

#### 4. Comments on the Analysis of Audits

This section presents the comments on that portion of the Regulatory Analysis which is concerned with the analysis of audits and related costs. The comments and DOE's responses to them follow.

One comment stated that a cost benefit analysis should have been performed on the use of a Class B audit as a prerequisite to a Class A audit.

DOE disagrees with this comment and points out that the legislation requires on-site inspections of the residence. DOE interprets this requirements to mean that no preconditions may be required. Therefore, the DRA therefore did not analyze the impact of the use of a Class B audit as a prerequisite to a

measures." Those measures to be designated as "suggested" are determined based on cost effectiveness considerations on a state-by-state basis. The Proposed Rule does not dictate that *all* states must include a measure unless these considerations lead to that conclusion.

One comment maintained that the audit burden on a utility is equal to the expected annual net income of some utilities.

Additional research conducted by DOE in response to this comment indicated that figures for annual net income of each of the covered utilities are not readily available. Figures for annual total revenue and annual residential sales for most covered utilities are available, however. These figures indicate that the annual total cost to an average utility amounts to about 0.5 percent of annual total revenue. The annual total cost to an average utility amounts to about 9.5 percent of annual residential sales.

#### 5. *Comments on the Analysis of Impacts on Home Heating Suppliers*

This section addresses the one comment concerning home heating suppliers and presents the corresponding response. The comment states that the response examines the two ways in which home heating suppliers can cover their costs of program participation. One, they may charge the customer directly for these costs as an additional service. Two, while the analysis looks at the impact on homeowners resulting from utility rate increases, it fails to look at the impact on the cost of oil and propane to those homeowners that use those fuels and who buy them from home heating suppliers who have elected to take part in the Program.

DOE's response examines two ways in which home heating suppliers can cover their costs of Program participation. One, they may charge the customer directly for these costs as an additional service. Two, they can cover these costs by raising the cost of fuel to all their customers. The industry is characterized by a large number of firms which are highly competitive with prices within a geographic area differing very little. For this reason, it is most likely that the first method would be used to cover the costs involved. If, however, a home heating supplier did elect to use the second method, the resulting cost of fuel to the customer would increase by just under \$70.00 for the five-year period. In other words, the five-year total fuel cost per customer increases by just under \$70.00, or approximately 5.4¢ per gallon of fuel.

#### 6. *Comments on the Energy Savings Chapter of the Regulatory Analysis*

Section six addresses the comments concerning the energy savings chapter of the Regulatory Analysis. The comments and corresponding responses are presented in two parts. Part 1 addresses all of the comments concerning the findings in the energy savings chapter. Part 2 addresses all of the comments concerning the calculations used to derive those findings.

##### a. *Comments on the Findings of the Energy Savings Chapter of the Regulatory Analysis*

This part presents the response to the comments concerning the findings in the energy savings chapter of the regulatory analysis.

One comment stated that the energy analysis fails to estimate how much imported oil is saved under the Program. The comment also states that the energy analysis fails to break down the forms of energy that will be saved.

DOE's response to these comments are as follows. The Program will save all forms of energy used by residential customers. The amount of imported oil actually saved depends on the extent that the energy saved is derived from oil. The amount of energy saved attributable to the percent of homes heated with oil which reduce their consumption is known. Unknown is the amount of electricity saved which is produced by burning oil. Without accurate information, it is not possible to estimate either the amount of imported oil saved or the amount of each form of energy saved. An estimate can be made and was, on the energy saved in terms of energy savings measured in barrels of oil-equivalent, but this is not the same as actual barrels of oil saved or barrels of imported oil saved.

A second comment is that Program costs per unit of energy saved should have been assessed.

In response to this comment, a Program cost per unit of energy is calculated as follows: The lifetime total Btu energy savings under the 7 percent response rate of the RCS program were calculated to be approximately 8.53 quads. One quad is equivalent to about 172 million barrels of oil.\* Therefore, 1.47 billion barrels of oil are saved. The total cost of the RCS Program is \$14.73 billion, of which \$9.8 billion are consumer expenditures, and \$4.9 billion are program-operating costs. The total Program cost, including the cost of both program operations and consumer

expenditures, is therefore about \$10.02 per barrel of oil. The total Program cost per quad (10<sup>15</sup>) Btu saved is approximately \$1.73 billion per quad.

Finally, a comment on the findings stated that the RCS Program does not have the potential to limit per-unit energy costs.

DOE disagrees, and responds that in certain limited instances where a utility will be operating close to peak capacity at the time of the RCS Program, the savings incurred under the Program may delay or eliminate the need for expansion. In this case, the per-unit energy cost would be reduced. Additionally, if a utility taps several sources of power (i.e., nuclear and oil), the reduction of energy demand may allow them to rely more heavily on the least expensive fuel source, thereby reducing the per-unit energy cost.

##### b. *Comments on the Calculations of the Energy Savings Chapter of the Regulatory Analysis*

Part 2 presents the comments and corresponding responses concerning the calculations used to obtain the findings in the energy savings chapter of the RA.

One comment recommended that consideration should be given to varying existing amounts of insulation with different fuel types.

Research by DOE indicates that, at present, there are no data available which present varying existing amounts of insulation with different fuel types. It has been concluded that the only houses which contain superior levels of insulation are electrically-heated homes. Electrically-heated homes comprise 14 percent of the total housing stock. Existing amounts of insulation for the other fuel types are assumed to be approximately the same.

A second comment stated that most houses have more ceiling insulation than assumed.

DOE disagrees with this comment, and points out that the testimony provides no supporting evidence and documentation to substantiate the claim. On the other hand, the levels of insulation used within the RA are drawn from two separate sources, both of which are in agreement. One source is Owens/Corning's past information records. The other source is The Annual Housing Survey for 1974 to 1976 inclusive.

Another comment recommended that the assumed fuel price escalation assumptions should be revised.

DOE agrees, and points out that the RA was originally drafted with the best available National Bureau of Standards (NBS) data. This data included the best available fuel price projections based

\* U.S. Department of Energy. *Monthly Energy Review*, July 1979.



upon the escalation assumptions available at that time. Subsequent to the completion of the Draft Regulatory Analysis, NBS published a more complete document titled *Methodology and Technical Support Used in the Economic Analysis of Suggested Energy Conservation Measures for the Residential Conservation Service Program*. The price of fuels was one of the aspects of the analysis that was revised by the new NBS data reflecting the recent unexpected market changes. The major impacts resulting from the incorporation of the updated NBS data is an increase in the per-unit energy cost and Btu savings and a modified list of energy conservation measures chosen for analysis based upon their payback periods. However, it must be noted that these impacts are not solely a result of revised fuel prices. The updated NBS data contained not only revised fuel prices, but a variety of new assumptions and calculation procedures. The cost of energy conservation measures and payback periods were also altered. All of the revisions or a particular combination of these could be responsible for the resulting impacts. For further information and specification, see the appendix for Part 2 of this document.

Several comments stated that no marginal costs or marginal energy savings were considered.

DOE disagrees, and in response, the definition of the marginal, or incremental, analysis is clarified. The baseline calculated in the Regulatory Analysis estimates the level of costs and energy savings resulting from residents installing energy conservation measures if the Program were not in existence. Even without the Program, concerned economically rational consumers would install a certain amount of energy-conserving measures. The baseline costs are those investment expenditures created by these consumers when purchasing measures and having them installed. The baseline energy savings are the savings resulting from the installation of these measures by the consumer. All of the costs and energy savings resulting from the Program are marginal or incremental with respect to this baseline.

Another comment stated that the RA should analyze every measure required by NECPA.

DOE disagrees with this comment and explains that analyzing all the measures would imply that they were all purchased and therefore contribute to the energy savings. This is inconsistent with the assumptions used in the Regulatory Analysis. By assuming all measures will be installed, one would

thus overestimate the energy savings resulting from the Program. These assumptions concerning which measures would be installed are based on discussions with numerous utility personnel who have conducted audit programs. Those contacted indicated that, regardless of response rate to the audit, homeowners are very reluctant to purchase any conservation measure which has a payback period of more than six years. They also claimed to have had difficulty in convincing customers to purchase and install measures with payback periods of even three years. It was, therefore, assumed that customers would not install measures with payback periods greater than six years. Since the corresponding energy savings of all measures is not likely to be realized, their analysis would greatly overestimate energy savings realized through the Program.

A comment also stated that energy savings due to air conditioning are not considered.

DOE disagrees, and in responding to this comment, the methodology and analysis in the RA is clarified. Reductions in annual cooling requirements were calculated for all of the energy conservation measures analyzed in the NBS data. Some measures have a negative effect on heating and a positive effect on cooling or vice versa. An example of this is the use of solar film on windows which increases heating requirements and decreases cooling requirements. All effects on cooling requirements caused by the use of the various measures have been taken into account by the NBS data.

Finally, several comments in this part questioned the accuracy of the assumption concerning future household fuel usage. The comment states that the RA should not have assumed that the same percentages of households will use the same fuel in 1985 as in 1976.

DOE disagrees, and explains the reasons for using the existing actual data instead of analyzing alternative scenarios. First, there are a number of uncertainties in determining the fuel prices of oil and gas. There are also uncertainties concerning the future price of electricity due to uncertainties associated with the future of nuclear-generated electricity, and the unknown environmental effects of modifying generating plants to use coal instead of oil.

The relationship between these prices at future dates will determine the percentage of households using these fuels at that date. We believe that future prices will determine the mix of fuel use not past trends. These prices could be

changed by unexpected events at any time. These events could encompass such things as a generic nuclear shutdown caused by a change of policy after an accident, an oil embargo, a gas shortage, a long-term coal strike, or a change in policy due to environmental concerns. Projections of future trends done by EIA and the FEA under Project Independence were examined. Of the five scenarios studied, no two were in agreement on future trends and it was therefore decided that the existing real data were the most appropriate.

Concerning the energy savings associated with the renewable resources portion of the program, the comment was made that solar initiative benefits are overestimated. This is true to the extent that the market penetration projections used to estimate energy savings reflect the cumulative impact of the NEA, which includes financial incentive programs. That is, the estimates of the impact of the renewable resources portion of the RCS Program assumed the existence of other solar incentive programs associated with the NEA. The energy savings reported in the Draft Regulatory Analysis are thus optimistic (in that they reflect factors in addition to the RCS Program). The separation of the effects of the solar programs is thus a very complex issue which was not specifically addressed in the Regulatory Analysis.

## 7. General Comments

General comments received on the RA have been subdivided into three categories. These categories are (1) Methodology, (2) Content, and (3) Other. The comments included in each category and their response are presented below.

### a. Methodology

Public comments categorized under methodology are those comments which address the overall approach of the analysis. These comments and their responses follow.

One comment stated that the RA should include the cost of compliance with all rules.

DOE agrees, and states that the RA does include the cost of compliance with all rules. Some of these costs are incorporated into a specific cost category rather than called out separately. For example, program development and administration costs to participating utilities include cost of setting up the Program, modifying billing and accounting procedures, and managing the Program's operation.

In another comment, the overall approach of the RA was criticized and a statement was made that the RA should permit individual utilities to assess the

impact on themselves. It was stated that the use of an "average" utility is the wrong approach.

DOE disagrees, and explains that a purpose of the RA is not to permit individual utilities to assess the impact on themselves. Rather, a purpose of the RA is to estimate the overall impact of the program. The use of an approach which is based on an average utility is an appropriate analytical construct to achieve this purpose of the RA.

Another comment related to methodology stated that too few alternative scenarios were considered. In addition, it was stated that the interactive effects of the alternatives analyzed were not considered.

DOE disagrees, and states that the eight sets of alternatives, each with three alternative scenarios, represented the major areas of the rule which was proposed. The ability to allow a larger number of alternatives was limited by the specific requirements of the legislation. The interactive effects of the alternatives were explicitly not considered. The reasons for this are explained in the DRA. See section B-3 of Chapter I, Introduction, pages I-8 to I-10.

Another commentator stated that a least-cost scenario was not considered. No marginal costs or marginal energy savings were considered.

The response to this comment is that the baseline of the RA, to the extent possible, estimates residential energy conservation costs and energy savings in the absence of the RCS Program. The DRA estimates the cost impact of various alternative sets which were considered in the formulation of the NOPR. These show range of costs of implementing the program under alternative rule formulations.

The evaluation of alternatives includes the action of no regulatory activity in those cases where the legislation does not mandate a specific requirement. For example, no regulatory activity was evaluated as an alternative in regard to post-installation inspection and auditor qualification requirements since these provisions are not mandated by legislation. The alternatives evaluated in regard to the audit which is mandated by the legislation consider only the scope of the audit rather than the need for it.

Several comments related to the methodology stated that the impact of inflation should have been considered.

DOE agrees; however, we point out that the figures for wages which are utilized in the RA and in the UCIA are estimated on the basis of being average or representative for the five-year period

of the RCS Program, and as such are not inflated for the period.

A comment regarding program benefits was that the analysis fails to take into account the increase in property taxes that would result from the energy-related improvements made under the program. In response, it should be noted that property tax impacts have been found to have potential significance only for renewable resource measures. However, most states offer tax incentives for solar installations. Most of these include or are likely in the future to include property tax exemptions for solar measures. The result is that an assessment of the tax implications of the RCS Program would be very complex, with both tax payments and tax savings resulting from renewable resource installations varying from state to state. Therefore, the regulatory analysis has not specifically addressed this issue.

Concerning the assumptions used in the Draft Regulatory Analysis to assess impacts of the conservation portion of the Program, the comment was made that the assumption of a 250-day year does not take into account vacation, sick leave, etc., and that it would be more realistic to assume a 220-day year.

Upon reevaluation of this assumption, DOE agrees that a lower number than 250 would be more accurate (although perhaps not as low as 220). However, a change in the analysis to take the proposed revision into account would only affect the estimated number of employees associated with the RCS Program and not the cost of the Program. This is because the cost of providing employee benefits, such as social security payments as well as sick leave, holiday pay, and vacation time, are already taken into account in the salary and wage estimates used in the analysis.

In response to this comment, salary estimates have been revised, resulting in an upward adjustment to the estimated cost impact of the Proposed Rule for administrative functions equal to \$879 million. However, there is no change in audit costs (representing nearly two-thirds of total are estimated in the DRA program cost). This is because these costs already take auditor overhead fully into account. Because auditor manpower requirements are one of the several sectors where estimates are dependent on the assumed number of days in a year, a change from a 250-day to a 220-day year would increase the required number of auditor-years by 14 percent.

#### b. Content

The second category of general comments is that related to the content

of the RA. These comments address those factors taken into consideration in the estimation of impact. These comments on the RA content and their responses follow.

One comment which addressed the RA content stated that it should include a more comprehensive study of existing utility programs.

DOE disagrees, and in response states that the research efforts to this end involved a literature search and personal contact with utilities and firms which have energy audit programs. Through these efforts, information was obtained from approximately 65 utilities, which is more than 20 percent of the 296 utilities covered by NECPA. These data were supplemented by information obtained from about 10 firms which provide energy audit services.

Another comment stated that a severe limitation of the Regulatory Analysis is the stated lack of consideration of small business. Excluding the impact of the Program on small business in the Regulatory Analysis will exclude well over 95 percent of those businesses that are necessary in order for the Program to succeed.

DOE agrees, and responds that small businesses are likely to benefit from the Program. Participation in the Program by small businesses is not required but allowed according to the regulations. Some examples of the benefits of participation are as follows: Home heating suppliers, especially those concerned with customers switching to other fuels, may participate to protect their interests and increase the efficiency of their customers' equipment which will provide greater customer satisfaction with heating oil. Small businesses will also benefit from the opportunity to be listed on the master list. This will allow small businesses such as new contractors to penetrate markets more easily than they could have without the existence of the Program. Business should be increased for these small businesses due to the increased demand for their installation services and products.

Another comment which addresses content stated that the RA should include program development costs.

DOE agrees, and states that program development costs are included in all estimates. These costs are shown for states in the DRA in Tables IIC-9 through IIC-12. For utilities and home heating suppliers, an additional one-half year is added to program administration costs to account for program development costs. This is stated in footnotes to the discussion of Tables IID-16 through IID-19, IID-34 through IID-37, and IID-52 through IID-55 for

utilities, and Tables IID-12 through IID-15, IID-27 through IID-30, and IID-42 through IID-45 for home heating suppliers.

The fourth comment being considered relevant to content is that the Draft Regulatory Analysis should analyze the rules published on March 19, 1979, rather than a reference program.

DOE agrees, and in response states that the Draft Regulatory Analysis (DRA) does in fact analyze the rules published on March 19, 1979, by examining what was defined as a reference program and the remaining alternatives. Part 2 of this document clarifies the analysis of the proposed rule. This is accomplished by altering the reference program of the DRA such that those alternatives which did not reflect the proposed rule are replaced by those alternatives which do reflect the proposed rule and which were analyzed in the DRA.

Concerned with the availability of qualified auditors to perform audits under the RCS Program, the comment was made that a covered utility's ability to fully comply with the rules may be constrained by a lack of a sufficient number of trained auditors. Further, it was remarked that the analysis does not fully discuss this constraint.

Although the draft regulatory analysis specifically addressed the issue of auditor training, it did not explicitly consider the problem of a potential shortage of individuals who would attend these sessions and then be available to conduct audits. Thus, the comment that the analysis did not fully discuss this "constraint" is true. However, partially in response to the concern that there may be an insufficient number of individuals sufficiently skilled to be trained as auditors, the rule has been revised to combine the two audits and reduce the level of detail and complexity of the model audit. This single, less detailed audit will require less skilled auditors than would separate conservation and renewable resource audits. The result is that potential problems concerning availability of sufficiently skilled auditors are virtually eliminated.

With regard to treatment of the renewable resource portion of the program in the DRA, several comments were raised. A broad criticism was that there was no effort to estimate the impact of the proposed RCS Program on investment in renewable resource measures and costs to utilities of providing the services required under the renewable resources portion of the program. This is, to a great extent, true. However, both the revised analysis of the Proposed Rule and the final

regulatory analysis contain estimates of these impacts. In addition, it was commented that the regulatory analysis does not contain an assessment of the costs or benefits of standards imposed for renewable resource measures. This is true of the Draft Regulatory Analysis. However, the final regulatory analysis contains such an assessment.

#### c. Other

The third category of general comments includes those which address the entire RA and cannot be categorized within the previous categories. These comments and their responses follow.

One comment asked if the findings were ever used in preparing the proposed regulations.

DOE's response to this comment is that the DRA was conducted during the process of writing the proposed rule and served as an aid in selecting the content of the NOPR. Some specific program provisions determined as a result of the findings of the analysis include those related to auditor training requirements, the scope of measures included in the audit, and post-installation inspection requirements.

Another comment suggested that a test period be established in order to assess the real costs of the proposed Program.

DOE disagrees with this comment and states that according to Executive Order 12044, a test period is not required. The Executive Order allows the use of estimated costs for the Regulatory Analysis.

Finally, a comment stated that DOE should redo the DRA before preparing the final rule.

DOE agrees and states that this has been accomplished and comprises Part 2 of the Final Regulatory Analysis (FRA). The FRA will be made available at the time of publication of the final rule.

#### 8. Comments on the UCIA

The following comments were received in regard to the UCIA. Their responses follow.

One comment stated that the UCIA devotes disproportionate energy to renewable resources.

DOE believes that this may appear to be true for two reasons. First, the development of renewable resource alternatives has a greater potential to impact urban and community areas than do conservation alternatives. Secondly, the analysis of urban and community impacts due to conservation measures is based on the findings of the RA while the corresponding analysis of renewable resource measures takes into account information other than that presented in the RA. Since the UCIA of energy

conservation measures is an integral part of the RA it may appear less detailed than that for renewable resources.

Another comment noted that a bibliography is needed for sections A and B.

DOE's response notes that these bibliographies for Sections A and B are included in the bibliography for Section C. The sources listed in Section C include those which are used solely in the UCIA. Findings of the RA which comprise much of the data used in the UCIA are referenced in the text.

With regard to the methodology employed in assessing the macroeconomic impacts of the Proposed Rule in the Urban and Community Impact Analysis (UCIA), several questions were raised concerning the use of the Bureau of Labor Statistics Input/Output Model. It was remarked that the utility of the model itself is questionable. From the context of the comments, it appeared that the criticism is directed toward the counter-intuitiveness of results produced by the model. In response, it should be noted that the results of an I/O model simulation describe not only direct impacts but the indirect impacts of a change in any input scenario (e.g., RCS Program policy). Because the national economic interactions modeled through the BLS I/O model are complex, intuition can only provide a reliable guide regarding the *magnitude* of impacts but not the *direction* of change. (For example, the relatively small changes in employment estimated for sectors indirectly related to the RCS Program are consistent with intuition.) Thus, this comment is not taken as a valid criticism of the use of the BLS I/O model for purposes of the RCS Program.

In a more specific comment, it was pointed out that the BLS I/O model shows decreases in jobs in the electric utility industry and state and local government enterprises, all of which are directly connected with all phases of the RCS Program. This was used as an example to demonstrate the counter-intuitiveness of model outputs. In response, it appears that the comment is based on a misinterpretation of results produced by the model. These results as explained in the UCIA, reflect only the direct and indirect impacts resulting from the *installation* of renewable resource measures. Thus, other direct impacts, such as those associated with program administration and providing audits are not included in the results referred to in the comment.

An additional comment suggested that, rather than 1983 dollars, 1979 dollars be used to describe the impact of

solar energy on the economy. In agreement, the revised regulatory analysis of the Proposed Rule presents results in terms of 1979 dollars.

Finally, the comment was made that the number of jobs added to administer the renewable resources portion of the Proposed Rule is too high as estimated in the Urban and Community Impact Analysis. More detailed analysis of program costs has yielded results in agreement with this comment. Estimates of program manpower requirements, presented in the revised regulatory analysis of proposed rule impacts, are significantly lower than those presented in the UCIA.

#### *B. Assessment of Changes to The Proposed Rule*

This part identifies changes which have been made in going from the Proposed Rule to the Final Rule. These changes include clarifications and modifications of the Proposed Rule, and any additions which have been made.

This part is organized by section of the Rule for each section for which changes and/or additions have been made. A qualitative assessment of these changes and/or additions is given for each amended section. Where a change to a given section affects the quantitative estimates as given in the Draft Regulatory Analysis, this impact is identified and quantified.

#### *1. Section 105. Definitions*

A number of definitions as stated in the Proposed Rule have been clarified and/or modified in the Final Rule (see II.B.).

None of the changes in definitions affect the estimates of Program impact as determined in Part 2 of the Final Regulatory Analysis. A possible exception to this is the change whereby energy-efficiency replacement air conditioners are added to the list of energy conservation measures. To the extent that these measures are installed through the RCS Program, the consumer expenditures on measures and energy savings as a result of the Program are likely to increase. Lack of available data precludes an estimate of either the likelihood or the level of these consumer expenditures or energy savings.

#### *2. Section 106. Utility Liability*

This section, which was not in the proposed rule, adds the conference report language concerning utility liability. This is not expected to affect Program costs.

#### *3. Section 205. Procedures for Submission and Approval of State Plans*

Subparagraph (d)(2) of this section has been modified to include a waiver of the hearing requirement for resubmitted plans unless the Secretary determines that the revisions to the original plan are so significant as to require another hearing.

Assessment of the impact of this change indicates that the cost to a particular state will be less under the Final Rule than under the Proposed Rule if that state's plan is disapproved, must be resubmitted, and requires no significant changes. Because the Regulatory Analysis does not estimate the cost of resubmission of state plans, the estimates of impact of the RCS Program on states is not affected by this rule change.

#### *4. Section 308. Program Announcement*

A number of clarifications or modifications have been made to this section in the Final Rule (see IV.F.).

The Final Rule allows an alternative information program which is equivalent to the Program Announcement as specified. The revised estimates of information costs (discussed in XIA.) are considered to be an estimate of either alternative. Therefore, this change in the Rule does not affect the estimates of information costs to covered utilities and home heating suppliers.

The conditional offer to audit provision in the Final Rule allows utilities some flexibility in providing audits so that utility resources which are required to implement the RCS Program may be utilized more evenly and efficiently through out the period of the Program. Because it has been assumed throughout the Regulatory Analysis that utilities would operate in this manner, there is no effect of this change in the Rule on the estimates of either the annual or five-year costs to a utility of average size, or on the estimated aggregate utility costs.

The third and final change in this section of the Rule specifies that information on federal energy tax credits, do-it-yourself installation, and the low-income weatherization program should be included in the Program Announcement. This change in the Rule does not affect the information cost estimates.

#### *5. Section 307. Requirements for Energy Audits*

A number of changes have been made to this section of the Proposed Rule. These are described in IV.G.

The impact of each of the changes in the audit requirements has been

considered and included as part of the estimation of the costs to covered utilities and home heating suppliers. The considerations in recommending these changes include a reduction in the number of skilled auditors, a reduction in the number of auditor training sessions, and a less costly audit. The combined impact of this decision is expected to be a reduction in audit and training costs of nearly \$1.0 billion.

#### *6. Section 308. Arranging Installation*

Changes to Section 308 in the Final Rule are discussed in IV.

The Draft Regulatory Analysis assumes that the utility and home heating supplier role in the arrangement function will consist of more than the distribution of lists. Costs were estimated for this program management function taking into account the fact that the customer would receive assistance in acquiring bids from contractors. Therefore, the additional provisions of the Final Rule are merely a clarification of the minimum arrangement function and represent no additional costs to the Program.

#### *7. Section 309. Arranging Financing*

Section 309 of the Final Rule is discussed in IV.I. The arrangement of financing, like the arrangement of installation, as it was considered in the Draft Regulatory Analysis, consists of more than the distribution of lists. Costs for arranging financing assume that the utility or home heating supplier will assist the customer in securing a loan upon request. Therefore, the additional provisions of this section of the rule more clearly state the minimum role of utilities and home heating suppliers participating in the Program. Additional Program costs are not expected to occur as a result of this clarification.

#### *8. Section 310. Accounting and Payment of Costs*

Section 310 of the Final Rule is discussed in IV.J. In the Final Rule billing costs will be added as an administrative and general expense which may be expensed at the discretion of the state regulatory authority.

Research conducted for the Regulatory Analysis indicates that in most cases changes in billing procedures and monthly billing costs resulting from the Program will not be significant. These costs were considered in the estimation of Program impact to utilities.

It has also been recognized that in some cases utilities would incur high costs in order to change their billing systems to meet the requirement that Program charges to customers be

included on their regular utility bills. Since this provision (Section 311) has been changed, participating utilities can use a least cost billing system under the Program.

Since billing costs are expected to be reasonable in most cases and an alternative billing procedure is permitted to allow for the most economical method, it is not expected that utilities will incur any additional cost over and above that estimated as a result of this provision.

#### 9. Section 311. Billing of Costs, Repayment of Loans and Termination of Service

The final rule will permit the utility or home heating supplier to bill customers separately for direct Program charges and loan repayment. However, each charge or loan payment must be listed separately on a bill and the customer should be able to submit one payment which would cover RCS charges, loan payments, and utility service.

Utilities which would incur high costs in the process of changing their billing procedures in order to meet the requirement for billing Program costs on the fuel bill should see lower costs and be able to implement a least cost billing method.

#### 10. Section 312. Lists of Suppliers, Contractors, and Lenders

This section of the Final Rule is discussed in IV.L. The Final Rule specifies the listing agency be identified and that utilities can, at the states discretion, aid in the compilation of lists. In cases where lists are compiled by the utility, state prepared guidelines must be followed by the utility and the lists will be subject to state review.

This provision is not likely to result in any significant change in Program cost. Some of those cost impacts estimated for state implementation of listing activities will be transferred to the party determined responsible for the activity.

If the cost of the listing activity changes, it is likely to decrease due to more localization of the activity which may result in a decrease of personnel and more direct communication.

The bonding criteria for listing of contractors is not likely to affect Program costs, but is expected to positively impact the quality of installations completed under the Program.

The deletion of the requirement that contractors submit copies of contracts to the utilities will eliminate the potential for contractor complaints in regard to the privacy of a contract between a private firm and a customer. It will also simplify contractor participation in the

Program and is therefore likely to increase contractor participation. This change in the rule is not expected to affect Program costs estimated for the preparation and maintenance of master lists.

The final change made to Section 312 of the proposed rule places a time limitation of utility incorporation of changes to the Master Record on utility prepared lists. This additional provision is not expected to affect Program costs.

#### 11. Section 313. Post-Installation Inspection

This section of the Final Rule is discussed in IV.M. The random post-installation inspection requirement is reduced by more than one-half in the final Rule. This change in the regulations will result in a decrease of approximately \$34.9 million in total Program costs. The estimation procedures used to determine the amount of this decrease are explained below.

The cost of a post-installation inspection is estimated at \$35 based on the costs incurred by existing programs which inspect installations for compliance with materials and installation standards. This cost is applied to the total number of inspections to arrive at total Program cost. These costs are shown in the table below.

Number of Post-Installation Inspections and Costs (Millions) Under the Proposed and Final Rule

	Proposed rule		Final rule	
	No.	Cost	No.	Cost
Mandatory.....	924,000	\$32.3	924,000	\$32.3
Random.....	1,167,000*	40.8	170,192	5.9
Total.....	2,091,000	73.1	1,094,192	38.2

\*Estimated does not consider inspections which may presently be conducted.

Total estimated post-installation inspection cost of energy conservation measures under the proposed rule is equal to \$35 times 2,091,000 inspections, or \$73.1 million. Under the final rule, estimated costs are equal to \$35 times 1,094,192 inspections, or \$38.2 million. This represents a reduction in total program costs of post-installation inspection of energy conservation measures of \$34.9 million.

For renewable resource measures, the total post-installation inspection cost under the proposed rule is \$7.3 million. This cost includes the requirement that all small wind energy system installations are inspected, that 20

percent of all active and passive solar system installations are inspected, and that 40 percent of the first 10 installations of active and passive solar systems are inspected.

Under the final rule, the total cost of post-installation inspections of renewable resource measures is \$4.8 million. These changes in the final rule represent a reduction of \$2.5 million.

#### 12. Section 314. Qualification of Auditors, Inspectors, and Installers

This section of the Final Rule is discussed in IV.N.

The elimination of the requirements that the energy auditor have an understanding of the energy overview and that auditors for specific measures only need to be qualified for those measures is expected to lower auditor qualification cost estimates.

#### 13. Section 315. Complaint Processing Procedures

Section 315 of the Final Rule is discussed in IV.O. The change to allow handling of consumer complaints by telephone is expected to decrease Program impact. The expenses associated with conducting a conciliatory conference will be eliminated in those cases where a customer complaint can be resolved by telephone.

#### 14. Section 318. Reporting and Recordkeeping

This section of the Final Rule is discussed in IV.R. The changes in the reporting and recordkeeping requirements are not expected to significantly change estimated Program costs. Since these changes were made to eliminate overlap and duplicate reporting, any Program implementations costs should decrease by a small margin.

#### 15. Section 507. Procedure for Obtaining Determination and Waivers

The Proposed Rule states that all applications for exceptions for existing supply, installation, and financing be filed with the Office of Hearings and Appeals. The Final Rule will state that these applications be filed with the Assistant Secretary for Conservation and Solar Applications.

It is not likely that this change in the Proposed Rule will affect estimated Program impacts.

#### 16. Sections 904 and 905. Standard Practices for Installation of Insulation

The proposed rule for the RCS Program included, as a subpart to the installation standard for insulation, a



wiring standard in sections 456.904 and 456.905.

The final rule retracts the wiring standard from the installation standard for insulation. This assessment examines the impacts of this change as follows:

- The real health hazard, according to several contractors with field experience in installing attic insulation is considered to be negligible.

- The participation level of installation contractors in the Program will be heightened.

- Elimination of the wire guard and wiring inspection requirements will reduce the competitive disadvantage of insulation contractors who have to charge for the extra wire guard installation and wiring inspection.

- The cost of the average installation job will be considerably lower. The elimination of these requirements will reduce the cost of a reference program attic retrofit by \$120, or 14 percent. These estimates were made for an average home in the Washington, DC area assumed to have R-11 in the attic, no attic ventilation, 1200 square feet of attic area and two recessed lights. The assumed program installation consists of increasing the insulation value to R-30 with blown loose-fill insulation.

- The elimination of the wiring inspection requirement will alleviate a problem expected to have a significant impact. Based on the opinion of a certified safety professional and underwriter with one of the larger insurance firms, it is unlikely that any insurance carrier would offer liability coverage to an insulation installer who was required to conduct electrical inspections unless the installer were a licensed electrician. Therefore, the services of an electrician would be required if the wiring inspection were not eliminated.

- Increased installation costs resulting from procedures and requirements specified by the installation standards will increase cost and also have an inflationary effect on the buildings retrofit industry. The reduction of cost resulting from the wiring standard elimination will help to reduce this effect.

- The program will be more effective because the reduced cost of installation will allow more insulation to be installed by homeowners. Therefore, the benefits of the elimination of the wiring standard outweigh the hazards created. This is mainly due to the fact that the hazards do not appear to be significant in the real world outside the laboratory.

## 17. Appendix I

Appendix I of the Proposed Rule contained suggested energy conservation measures by state, climate zone, and building category. The climate zones specified in the Proposed Rule were a combination of heating and cooling degree days devised by DOE. The building categories examined in the Proposed Rule are gas, oil, and electric heat.

The Final Rule differs from the Proposed Rule in its definition of energy conservation measures, climate zone, and building category. Specifically, the lists of Program measures appearing in the Final Rule will change in the following manner:

- The climate zones are changed to be the same as those of the HUD Minimum Property Standards, as published in the Federal Register on April 16, 1979, page 22451. A state may further subdivide its climate zones if it chooses, particularly to take into account variations in air-conditioning usage, insulation, or wind.

- For those measures included in the HUD-MPS, the Final Rule includes Program measures where they are required by the MPS. These are: ceiling, wall, and floor insulation, storm windows, and storm doors.

- The categories of buildings in the Final Rule are identical to those in the Proposed Rule, except that homes with heat pumps have been separated from those with electric resistance heating.

- States and non-regulated utilities may add measures subject to DOE approval. The only additional measures that will be included in the Final Rule are energy efficient replacement air conditioning.

None of these changes are expected to change the impacts estimated in the Regulatory Analysis. These changes will in no way affect the payback period of measures and hence would not change the number of households purchasing measures and subsequent energy savings.

The renewable resource portion of Appendix I has also changed in the following manner:

- Elaborate climate zones for wind have been eliminated. The decision has been made to change the means of aggregating climatic data for wind measures. While considerably simplifying the rule itself, this decision does not affect the estimated Program costs.

- In response to comments, DOE has elected to include an additional passive measure (i.e., window heat gain retardants) within the meaning of

## "Passive Solar Space Heating and Cooling Systems."

This decision will have essentially no impact on audit cost, and due to the very low cost of the measure, will not significantly affect estimated Program costs.

## C. Summary of The Quantitative Impact of Major Changes To The Proposed Rule

This part presents a summary of the effects of changes in the rule on the cost of developing and administering the RCS Program. The original estimate of this cost was about \$4.9 billion.

Consideration of public comment on the Draft Regulatory Analysis has resulted in a revision of this cost estimate. The revised figure includes additional costs for processing and printing the Program Announcement and burdening the labor costs for arranging and Program management. The revised figure also includes a reduction in post-installation inspection costs as a result of shifting the responsibility from utilities and home heating suppliers to states, as the Rule stated. The revised total cost of developing and administering the RCS Program is about \$5.9 billion.

The table below presents a summary of the quantitative impact of major changes in the Rule by cost category. The first column of figures shows the revised estimate of impact of the Proposed Rule by cost category. The second column of figures presents the quantitative impact of the changes to the Rule. The estimates of the impact of the Final Rule is given in the last column. These figures indicate that the changes to the rule have resulted in a decrease in the revised total cost estimate of \$997 million, or 16.9 percent.

Summary of Quantitative Impact of Major Changes in the Proposed Rule  
(In billions of dollars)

Cost category	Revised estimate* of impact of proposed rule	Impact of changes to proposed rule	Final impact estimate
Arranging Costs.....	\$0.299	—	\$0.299
Audit Costs.....	3.801	-0.952	2.849
Post-Installation Inspection Costs.....	0.080	-0.037	0.043
Program Management Costs**.....	1.722	-0.008	1.714
Total***.....	5.902	-0.997	4.905

\* Revised as a result of public comment. See Part A for details.

\*\*Include costs to governments, covered utilities, and participating home heating suppliers for developing and managing the RCS Program.

\*\*\*Excludes consumer expenditures.

Changes to some installation standards, which are discussed in Part B of this section, will affect the cost of

installation of specific measures. Only one of these changes, that of deleting wiring standards from the standard for installing insulation, can be quantified. The Regulatory Analysis estimated that the standard for installing insulation would result in an increase in the average cost of an installation in the Washington, DC, area by 73 percent, or from \$480 with no standard to \$830 with the RCS Program proposed standard. Of this additional cost of \$350, \$120 resulted from the wiring standards. Deletion of the wiring standard, therefore, results in a total cost reduction from \$830 to \$710, per average installation, or a reduction in the cost of the RCS Program standard from \$350 to \$230, or 34.3 percent.

## XII. Environmental Impact Statement

In accordance with the requirements of the National Environmental Policy Act (NEPA) (42 USC 4321 *et seq.*), DOE has undertaken and completed an environmental impact statement on the Residential Conservation Service Program. The Draft Environmental Impact Statement (DEIS) was published in July, 1979, and made available for public comment by notice in the Federal Register (July 16, 1979; 44 FR 41208). A public hearing was held on August 14, 1979, at which DOE received both written and verbal testimony on the DEIS. The comment period remained open 45 days, until August 30, 1979. DOE evaluated carefully all comments received relating to the DEIS, both individually and collectively. The comments and DOE's responses to them are set forth in Appendix C to the Final Environmental Impact Statement (FEIS). They are also addressed in the text of the FEIS. The FEIS, which includes an executive summary, may be obtained by writing: Mr. Dan Quigley, Deputy Director, Residential Conservation Service Program, Office of Assistant Secretary for Conservation and Solar Energy, U.S. Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585.

The following discussion sets forth the substantive issues raised by commenters and DOE's treatment of those issues.

**Indoor Air Quality:** The DEIS addressed the potential environmental impacts which might result from decreased indoor air quality caused by measures which reduce air infiltration or exfiltration. The U.S. Environmental Protection Agency (EPA) and several others commented on this subject. The comments were evaluated carefully. The EIS section on indoor air quality has been revised in response to these comments.

A copy of EPA's comments appears in Appendix C of the FEIS. EPA first comment listed several pollutants which could be generated within residential buildings, especially carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>). EPA requested that the RCS "recognize (these) air quality concerns and take measures to control the concentration of these and other indoor air pollutants." EPA's second comment was a request that Section 456.307 of the Proposed Rule be amended to require auditors to inform customers about the importance of proper ventilation and filtration, particularly: (a) proper ventilation of gas appliances such as space heaters, cooking stoves and clothes dryers; (b) adequate air filtration in residences using forced air heating and cooling systems to reduce particulate levels generated by smoking, cooking or other activities that may result in the suspension of inhalable particles; and (c) the possible use of electrostatic filters which may be more efficient than panel filters in removing particulates as well as airborne viruses, bacteria and pollen grains.

DOE recognizes the seriousness of the potential problems from indoor air pollutants and is continuing a substantial research program on these issues (see Section 3.2.2.1.11 of the FEIS). DOE also heads an inter-agency task force on indoor air quality which includes EPA, the U.S. Department of Housing and Urban Development, the National Bureau of Standards, the Consumer Product Safety Commission, and the U.S. Department of Health, Education and Welfare. Reducing infiltration rates in a home may increase concentrations of existing pollutants and may cause potential adverse impacts under certain conditions. Ongoing research will help define the nature and scope of these potential problems more precisely. In the meantime, DOE agrees that additional efforts should be made to address indoor air quality concerns. For example, certain concise statements about proper ventilation can be made that could be vital to reducing potential indoor air pollution hazards. DOE believes that such statements will alert customers to the importance of ventilation without deterring conservation actions. Accordingly, DOE intends to amend the Final Rule in the near future to require auditors to provide specific information on ventilation to customers.

Certain other actions which might help to reduce potential indoor air quality problems are either costly or potentially detrimental to the program.

These actions are discussed in Section 3.2.2.1.11 of the FEIS.

EPA's third comment addressed their concern that the standard for the free formaldehyde content of the resin used in urea formaldehyde foam insulation be sufficiently stringent to assure protection of human health in the indoor environment. EPA wished to be sure that DOE had adequately considered the multi-source nature of aldehyde emissions in establishing this standard. DOE has considered carefully the multi-source nature of aldehyde emissions. As a result of DOE's analyses and the work of the interagency group on indoor air quality headed by DOE and including EPA, DOE has decided to revise the urea-formaldehyde material standard in several respects and will reissue it for public comment in the forthcoming notice of proposed rulemaking. This issue is addressed above in "IX Material Standards."

EPA's fourth comment addressed the potential environmental hazards of indoor concentrations of radon and radon daughters, particularly in areas where radium-bearing rock is under or near a house or contained in its building materials. DOE is continuing substantial research on radon to help identify those locations and conditions which may be of concern. Certain geographic locations in Florida, Colorado, and other States have already been identified as having soils and building materials which produce unusually high indoor radon concentrations. DOE will publicly issue program materials to all States, utilities, and any other interested persons to assist them in identifying potential sources of radon which may affect indoor air quality and in carrying out appropriate safeguards. Indoor concentrations of radon and radon daughters are addressed in Section 3.2.2.1.11 of the FEIS.

The fifth section of the EPA comments questioned part of the preamble of the Proposed Rule about attic ventilation. The EPA comment mistakenly assumed that this section of the preamble dealt with indoor ventilation rate and urged DOE to take appropriate action. This latter subject is addressed above in relation to EPA's second comment. Attic ventilation is discussed above in "X. Installation Standards."

EPA's sixth comment urged DOE to recommend procedures to assure proper ventilation as part of its model audit procedures which will be delivered to States as technical assistance. DOE agrees with this suggestion and intends to recommend such procedures to States in the near future to assist them in the development of State Plans.



EPA's seventh comment requested that DOE require that State Plans be developed in coordination with State health agencies. Section 213(a)(6) of NECPA requires that each proposed RCS plan provide procedures to ensure effective coordination with appropriate State, local and Federal energy conservation programs. Moreover, no energy conservation measure may be installed under the RCS program if it violates State or local law, including any health or safety laws. Thus, DOE does not believe it is necessary to mandate additional coordination, since the State Lead Agency will need to confer with appropriate building code or health agencies to assure compliance with State and local laws.

Eight, EPA requested that, in addition to the criteria which thermal insulation products must meet under the Program (such as fire safety and non-corrosiveness), a requirement be added regarding possible air pollution emissions such as formaldehyde emissions. The only kind of insulation of which DOE is aware that has this problem is urea-formaldehyde foam. As mentioned above, DOE will soon publish its proposed revised standard for urea-formaldehyde foam to address this problem. The analysis of formaldehyde and other indoor air pollutants has been revised in Section 3.2.2.1.11 of the FEIS.

Finally, EPA suggested that DOE consider the noise reduction benefits of many conservation measures. DOE recognizes these benefits and intends to discuss them in materials provided to States and other participants.

DOE also requested and received comments on the DEIS from the Lawrence Berkeley Laboratory (LBL), which is performing research on all aspects of indoor air quality under contract to DOE. LBL's comments are reproduced in appendix C of the FEIS. LBL stated that the DEIS seriously understates available indications of the potential impact of (measures which reduce air infiltration rates) on indoor air quality and, hence, on the health of the occupants, particularly in cases of increased exposure to radon daughters resulting from installation of conservation measures in houses which already have significant radon levels. As noted earlier, DOE has re-evaluated these issues, substantially expanded Section 3.2.2.1.11 of the FEIS and will propose an amendment to the Final Rule to address ventilation, as discussed above in response to EPA's comments.

LBL expressed particular concern about radon concentrations. LBL recommended that what is needed "to avoid substantial increases in radon

exposures (as a result of infiltration reduction) is 1) a screening program to identify those areas with unusually high indoor radon levels and 2) specific monitoring of weatherized houses in these areas." DOE agrees with this suggestion and is considering how such a screening and monitoring program could be carried out. DOE believes such a program should be accomplished through cooperative efforts with States, other Federal agencies, utilities, and other interested persons. As noted above, DOE intends to issue program materials to any interested person on these matters.

LBL also commented that indoor air pollutants other than radon required additional analysis. In particular, LBL suggested additional analysis of the indoor formaldehyde issue. Research has shown that elevated formaldehyde concentrations occur in buildings with low ventilation using construction materials of plywood and particle board. DOE has carefully examined other indoor air pollutants and their relationship to air exchange rates. As discussed above in response to EPA's comments, DOE plans to propose an amendment to the Final Rule requiring auditors to provide specific information on ventilation to customers. The discussion of this issue has been expanded in Section 3.2.2.1.11 of the FEIS.

LBL commented that the discussion of heat exchange ventilation systems in the DEIS was too critical of this method of reducing potential indoor air quality problems. LBL pointed to the European countries in which such systems are being installed to control indoor air quality. DOE agrees that ventilation systems may be justified in some circumstances. Section 3.2.2.1.11 of the FEIS has been revised accordingly.

Several other commenters expressed concern about indoor air pollution problems. Mountain Fuel Supply Company, Southwestern Electric Power Company, and Texas Power and Light Company suggested that the attention paid to indoor air pollution concerns was overshadowing the major objectives of energy conservation through infiltration reduction. DOE does not agree with the suggestion that indoor air quality is being emphasized at the expense of energy conservation through infiltration reduction. We believe it wise to address the issue of indoor air quality now to the best of our ability consistent with present knowledge. We also believe that a major and proper emphasis is placed in the program on air infiltration reduction.

In contrast, the American Gas Association, Lawrence G. Spielvogel,

Inc., the New York State Department of Public Service, and Public Service Company of Oklahoma (PSCO) questioned whether the DEIS adequately addressed the subject of indoor air quality. Spielvogel requested further consideration of humidity and indoor moisture buildup. PSCO suggested the inclusion of replacement heat pumps would help reduce some sources of indoor air pollutants. As noted previously, DOE has carefully re-examined issues related to indoor air quality. The section in the FEIS on indoor air pollution has been substantially revised (Section 3.2.2.1.11). The information provided in the FEIS incorporates the current state-of-the-art research on these problems. The problems of humidity control are addressed by DOE's vapor barrier standards for installation of insulation, which is discussed above in "X Installation Standards". Additional material has been added to Section 3.2.2.1.11 of the FEIS on the environmental impacts of heat pumps on indoor air quality. Finally, as noted previously, DOE will soon issue a proposed amendment to this Final Rule addressing specific indoor air quality issues.

Public Service Company of Colorado (PSC) raised the concern that many gas heated homes may have faulty heat exchangers or venting systems which result in spillage of combustion products into the living space. PSC noted that tightening houses might increase the rate of spillage in some houses and aggravate air quality problems in homes with existing problems. PSC suggested that each audit of a house include a safety check of the furnace which they estimate could take an average of three hours. PSC also suggested that DOE add a measure to the Program which would require the introduction of air for combustion into a furnace area isolated from the occupied areas of the residence.

DOE agrees that there are houses in which air pollution from faulty furnace systems may be aggravated by infiltration reduction. Additional material on this issue has been added to the FEIS in Section 3.2.2.1.11. Based on existing data, DOE does not believe there is sufficient evidence to warrant a requirement for a full furnace safety inspection or a requirement to add outside combustion air. However, DOE intends to investigate this potential problem as part of its indoor air quality research program, and will request States and utilities to consider similar investigations. With respect to adding outside combustion air as a measure in

the program, the National Bureau of Standards has concluded that this measure frequently will not reduce energy consumption in houses. DOE has therefore not added it to the program. However, if any State wishes to address these matters in conjunction with its program, the State may propose to do so pursuant to Section 456.319 of the Final Rule.

**Standards:** Several commenters, including the American Gas Association, Lawrence G. Spielvogel, Inc., and Texas Power and Light (TPL) questioned the adequacy of the DEIS in assessing the potential health and safety impact of measures for which either material or installation standards had not been completed (such as vent dampers and electrical ignition systems). Concerns centered on when such standards would be proposed and how information on DOE's decisions to propose standards or withdraw measures would be communicated to the public. New material and installation standards will be proposed shortly as an amendment to this Final Rule and public comments will be solicited in connection with this proposal. DOE will publish the Notice of Proposed Rulemaking, as well as information regarding any decisions it makes concerning the withdrawal of a measure, in the Federal Register.

In contrast to the preceding comments, Peoples Gas Light and Coke Company questioned the need for material and installation standards for conservation measures which they considered safe and well-proven, in particular electrical and mechanical ignition devices. Peoples believed DOE had "overstated" the relationship between health and safety hazards and electric and mechanical ignition systems, emphasizing that similar risks are present with conventional pilot ignition systems and that the possibility of such hazards is extremely remote regardless of the type of ignition system used. While DOE recognizes and is sensitive to differing viewpoints, it has determined independently that standards for safety and effectiveness are necessary for electrical and mechanical ignition devices, and will shortly propose them for public comment. (See "X. Installation Standards," above).

**Fuel switching:** A number of commenters, including Laclede Gas Company, Southwestern Electric Power Company (SWEPCO), and the Public Service of Oklahoma stated either support or opposition to a decision by DOE to include residential fuel switching under the RCS program. These

commenters emphasized fuel conversions from gas space heating to heat pumps. In the final rule, DOE has not included fuel-switching as part of the minimum program requirements. However, under Section 456.319 of the Final Rule, States have the discretion to propose the inclusion of State measures in their State plans. DOE requires that the environmental impacts of any proposed State measure be analyzed prior to DOE's approval of such measure. (This subject is discussed in "IV. S. State Measures" and "II. B. Definitions" above.) To ensure that the environmental impacts of proposed State measures are addressed fully, any State proposing such a measure shall be required to analyze its environmental impacts, to publish appropriate public notice and to hold public hearing on the proposed measure as part of the State Plan hearing before submission to DOE. This process will allow full and fair public assessment of any such proposal.

**Air Conditioners:** Two commenters, Dallas Power and Light Company and Texas Power and Light Company, noted that high-efficiency replacement air conditioners hold high potential for energy savings in states with high cooling demand and suggested their consideration as a conservation measure. DOE agrees with these comments and has modified the final rule to require consideration of replacement air conditioners (see "II. B. Definitions" above). The FEIS includes consideration of the environmental impacts of replacement air conditioners (see Section 3.2).

**Program Response Rates:** The American Gas Association stated reservations about "key methodology assumptions needed to assess the potential pollution emissions impacts attributable to the RCS program." AGA argued that this postulated response rate was based upon the assumption that the energy audit would be offered without charge. AGA stated that since the program would "obviously impose a substantial cost burden on gas utilities, it is likely that many States may elect to have customers directly meet the cost of the audit, which could greatly reduce the assumed 35% participation rate to a much smaller figure." While emphasizing the above, AGA suggested a sensitivity analysis of the environmental impacts at rates less than or greater than 7% annually to show possible adverse environmental impacts at those response rates. DOE believes that lower or higher response rates would raise or lower the predicted environmental benefits and potential risks proportionately. Based on the

practical experience of existing utility energy conservation programs, DOE believes it is improbable that response rates greater than 7% annually will be achieved. In any event, DOE has analyzed the environmental effects of the Program on individual households and has developed standards based upon that analysis rather than upon any response rate.

**Land Use, Aesthetics, and Wind Systems:** The New York Department of Public Service (NYDPS) questioned whether local zoning and planning procedures would be sufficient to minimize or eliminate land use and aesthetic objections to renewable resource measures, including solar heating and wind energy systems. While present data indicates that local zoning and planning processes should minimize or eliminate these concerns, it is also true that accelerated use of solar and wind systems may cause additional problems. DOE intends to follow developments in those areas and welcomes any information from interested persons. Meanwhile, additional data on this concern has been reflected in Section 7 of the FEIS.

The NYDPS also suggested that the DEIS did not adequately discuss the potential noise impacts of wind systems. DOE believes that the discussion in the FEIS addresses this matter adequately.

**Program Costs:** Several commenters questioned the adequacy of the cost estimates for the RCS program. These questions are addressed in the Preamble section above on the Final Regulatory Analysis.

### XIII. Contractor Contributions to the Rulemaking

The following entities made contributions to the development of the Final Rule for the Residential Conservation Service Program.

1. **Oak Ridge National Laboratory** assisted in the arrangements for public hearings on the Proposed Rule; provided support in summarizing comments received on the Proposed Rule; conducted technical analyses of recommendations for additional measures; provided technical support in developing material standards for energy conservation measures; provided technical analysis for home energy audits; and other general support. In addition, its subcontractors, Hittman Associates, Inc., and Science Applications Inc., provided support in the areas of standards, measures, and audits; and supported the development of the Regulatory Analysis, including the Urban and Community Impact Assessment, and the Environmental Impact Statement.

2. *The Solar Energy Research Institute* assisted in the analysis of public comments on the Proposed Rules; conducted technical analysis of recommendations for additional measures; provided technical analysis for home energy audits; provided technical support in developing standards for renewable resource measures.

3. *The National Bureau of Standards* provided support in the development of energy conservation standards; provided analysis for the development of program measures lists; and assisted in the analysis for home energy audits.

In consideration of the foregoing, the Department of Energy amends Chapter II, Title 10 of the Code of Federal Regulations, by revising Part 456 as set forth below.

Issued in Washington, D.C., on October 30, 1979.

Maxine Savitz,  
*Acting Assistant Secretary, Conservation and Solar Energy.*

In 10 CFR Part 456, § 456.00 is deleted. Part 456 is revised and consists of Subparts A-I to read as follows:

#### Subpart A—General Provisions and Definitions

##### Sec.

- 456.101 Purpose and scope.
- 456.102 Petitions concerning conflicts of laws.
- 456.103 Appeals.
- 456.104 List of covered utilities.
- 456.105 Definitions.
- 456.106 Utility and home heating supplier liability.

#### Subpart B—Preparation, Submission, and Approval of State Plans and Temporary Programs

- 456.201 Scope.
- 456.202 Initial submission.
- 456.203 Coordination requirements.
- 456.204 Notice, comment, and public hearing.
- 456.205 Procedures for submission and approval of State plans.
- 456.206 Home heating suppliers.
- 456.207 Tennessee Valley Authority (TVA).
- 456.208 Temporary programs.

#### Subpart C—Content of State Plans

- 456.301 Scope.
- 456.302 Coverage of State plan.
- 456.303 Procedures for investigating and enforcing compliance with the State plan.
- 456.304 Exemptions and waivers for utility supply, installation, and financing.
- 456.305 Scope of benefits.
- 456.306 Program announcement.
- 456.307 Requirements for program audits.
- 456.308 Arranging installation.
- 456.309 Arranging financing.
- 456.310 Accounting and payment of costs.
- 456.311 Customer billing, repayment of loans, and termination of service.
- 456.312 List of suppliers, contractors, and lenders.

##### Sec.

- 456.313 Post-installation inspection.
- 456.314 Qualification procedures for auditors, installers, and inspectors.
- 456.315 Complaints processing procedures.
- 456.316 Coordination.
- 456.317 Home heating suppliers.
- 456.318 Reporting and recordkeeping.
- 456.319 State measures.

#### Subpart D—Nonregulated Utility Plans

- 456.401 Scope.
- 456.402 Coverage.
- 456.403 Initial submission.
- 456.404 Coordination requirements.
- 456.405 Notice, comment, and public hearing.
- 456.406 Procedures for submission and approval of nonregulated utility plans.
- 456.407 Temporary programs.
- 456.408 Content of plans.

#### Subpart E—Supply, Installation, and Financing by Utilities

- 456.501 Scope and definitions.
- 456.502 Prohibition.
- 456.503 Exception for certain measures and small loans.
- 456.504 Exception for existing supply, installation, and financing.
- 456.505 Waivers.
- 456.506 Exception for supply, installation, and financing authorized by State or local law.
- 456.507 Procedure for obtaining determinations and waivers.
- 456.508 Appeals.

#### Subpart F—Federal Standby Authority and Enforcement Provisions

- 456.601 Scope.
- 456.602 Conditions under which standby authority shall be invoked.
- 456.603 Standby authority in lieu of State plans.
- 456.604 Standby authority for nonregulated utilities.

- 456.605 Failure to comply with orders.
- 456.606 Enforcement provisions.

#### Subpart G—Renewable Resource Installation and Material Standards

- 456.701 Scope.
- 456.702 Solar domestic hot water and active solar space heating systems.
- 456.703 Thermosiphon hot water heaters [Reserved].
- 456.704 Swimming pool heaters [Reserved].
- 456.705 Wind systems material standards [Reserved].
- 456.706 Wind systems installation standards [Reserved].

#### Subpart H—Energy Conservation Material Standards

- 456.801 Scope and coverage.
- 456.802 General requirements and definitions.
- 456.803 Standards for loose-fill cellulosic or wood fiber thermal insulation.
- 456.804 Standards for loose-fill mineral fiber thermal insulation.
- 456.805 Standards for mineral fiber blanket and batt thermal insulation.
- 456.806 Standards for vermiculite thermal insulation.
- 456.807 Standards for perlite thermal insulation.

##### Sec.

- 456.808 Standards for polystyrene thermal insulation board.
  - 456.809 Standards for polyurethane and polyisocyanurate thermal insulation board.
  - 456.810 Standard for urea-formaldehyde based foamed-in-place insulation [Reserved].
  - 456.811 Standards for aluminum foil reflective thermal insulation.
  - 456.812 Standards for caulks and sealants, water heater insulation, and heating/air conditioning duct insulation.
  - 456.813 Standards for storm and thermal windows and doors and multiglazed insulating units for windows and doors.
  - 456.814 Standards for furnace efficiency modifications.
  - 456.815 Load management devices.
- #### Subpart I—Energy Conservation Installation Standards
- 456.901 Scope.
  - 456.902 Referenced standards.
  - 456.903 Definitions.
  - 456.904 Coverage and additional requirements.
  - 456.905 Standard practice for the installation of loose-fill thermal insulation.
  - 456.906 Standard practice for the installation of mineral fiber batts and blankets thermal insulation.
  - 456.907 Standard practice for the installation of organic cellular rigid board thermal insulation.
  - 456.908 Standard practice for the installation of reflective insulation.
  - 456.909 Standard practice for the installation of urea-formaldehyde foamed-in-place insulation [Reserved].
  - 456.910 Certification procedures for the installation of thermal insulation materials.
  - 456.911 Standard practice for the installation of storm windows, thermal windows, multiglazing units and storm doors and thermal doors.
  - 456.912 Standard practice for the installation of insulation on gas-fired, oil-fired, and electric resistance water heaters.
  - 456.913 Standard practice for the installation of replacement oil burners.
  - 456.914 Standard practice for the installation of vent dampers and electric ignition devices [Reserved].

#### Appendix A to Subpart I—Steady State Efficiency

#### Appendix I to Part 456—Program Measures

#### Appendix II to Part 456—Standards Incorporated by Reference

Authority: Part 1 of Title II of the National Energy Conservation Policy Act, Pub. L. No. 95-619, 92 Stat. 3206, *et seq.*; Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565, *et seq.*, 42 U.S.C. 7101, *et seq.*

#### Subpart A—General Provisions and Definitions

##### § 456.101 Purpose and Scope.

This part contains the regulations to implement Part I of Title II of the

National Energy Conservation Policy Act, Pub. L. No. 95-619 (references to NECPA hereinafter refer to Part 1 of Title II of the Act). NECPA requires the establishment of utility programs to encourage and facilitate the installation of energy conservation measures and renewable resource measures.

#### § 456.102 Petitions Concerning Conflicts of Laws.

(a) A utility making a petition required by a State Plan, a Nonregulated Utility Plan, or a Federal Standby Plan to determine whether the utility:

(1) Is prohibited by a State or local law or regulation from taking any action required to be taken under NECPA or any rule or Plan promulgated pursuant to NECPA, or

(2) Is required or permitted by a State or local law or regulation to take any action prohibited by NECPA or any rule or Plan promulgated pursuant to NECPA,

Shall file the petition with the Assistant Secretary for Conservation and Solar Energy, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Any such petition shall contain a copy of the applicable State or local laws or regulations and a description of the action the utility believes it is prohibited from taking or is permitted or required to take under such laws or regulations.

(b) The Assistant Secretary shall give notice of the petition to the Governor, State Energy Office, and State Regulatory Authority of the applicable State and such other persons as the Assistant Secretary deems appropriate. Any such person or entity may file comments with the Assistant Secretary with respect to such petition within 30 days of receipt of the notice.

(c) If the Assistant Secretary determines pursuant to such petition that a State or local law or regulation prohibits a utility from taking any action required to be taken under NECPA or any rule or plan promulgated pursuant to NECPA or permits or requires a utility to take any action prohibited by NECPA or any rule or plan promulgated pursuant to NECPA, the Assistant Secretary shall issue an order superseding such State or local laws or regulations to the extent inconsistent with NECPA or any rule or plan promulgated pursuant to NECPA. Such an order shall be effective with respect to all utilities otherwise subject to such State or local laws or regulations and shall moot any outstanding petitions under this Section by such utilities.

#### § 456.103 Appeals.

(a) Any person aggrieved by any order, finding, or determination made under §§ 456.102, 456.502-456.505 may appeal that order, finding, or determination in accordance with Subpart H of Part 205 of these rules.

(b) Any person so aggrieved has not exhausted his administrative remedies until an appeal has been filed under that subpart and an order granting or denying the appeal has been issued.

#### § 456.104 List of covered utilities.

(a) Before the beginning of each calendar year, the Department of Energy shall publish in the Federal Register a list of all covered utilities for that calendar year.

(b) Not later than 60 days after publication of the list, each State Regulatory Authority shall forward to the Assistant Secretary a copy of such list with designations as to which utilities on the list are under the jurisdiction of that Regulatory Authority.

(c) The publication of the list is for informational purposes, and the failure to include a covered utility on the list or the failure of a State Regulatory Authority to designate a utility subject to its jurisdiction in no way affects the duties of or requirements upon such covered utility under these rules or any plan promulgated pursuant to these rules.

#### § 456.105 Definitions.

For purposes of this Part:

(a) *Assistant Secretary.* The term "Assistant Secretary" means the Assistant Secretary for Conservation and Solar Energy of the U.S. Department of Energy.

(b) *Class B Energy Audit.* The term "Class B Energy Audit" means an energy audit in which the estimates of costs and savings associated with the installation of program or State measures are based on information collected by an eligible customer about his or her residential building and sent to a covered utility or participating home heating supplier for analysis.

(c) *Covered Utility.* The term "covered utility" means in any calendar year a public utility which during the second preceding calendar year had either:

(1) Sales of natural gas for purposes other than resale which exceeded 10 billion cubic feet, or

(2) Sales of electric energy for purposes other than resale which exceed 750 million kilowatt-hours.

(d) *Eligible Customer.* The term "eligible customer" means a person who:

(1) Owns or occupies a residential building; and

(2) Receives a fuel bill from a covered utility or participating home heating supplier for fuel used in such residential building.

(e) [Reserved.]

(f) *Energy Conservation Measures.*

The term "energy conservation measures" means the following measures in a residential building:

(1) *Caulking.* The term "caulking" means pliable materials used to reduce the passage of air and moisture by filling small gaps including (i) at fixed joints on a building, (ii) underneath baseboards inside a building, (iii) in exterior walls at electric outlets, (iv) around pipes and wires entering a building, and (v) around dryer vents and exhaust fans in exterior walls. Caulking includes, but is not limited to, materials commonly known as "sealants," "putty," and "glazing compounds."

(2) *Weatherstripping.* The term "Weatherstripping" means narrow strips of material placed over or in movable joints of windows and doors to reduce the passage of air and moisture.

(3) *Furnace Efficiency Modifications.* The term "furnace efficiency modifications" means:

(i) *Replacement Furnaces or Boilers.* The term "replacement furnaces or boilers" means a furnace or boiler, including a heat pump, which replaces an existing furnace or boiler of the same fuel type and which reduces the amount of fuel consumed due to an increase in combustion efficiency, improved heat generation or reduced heat losses.

(ii) *Furnace Replacement Burner (Oil).* The term "furnace replacement burner (oil)" means a device which atomizes the fuel oil, mixes it with air, and ignites the fuel-air mixture, and is an integral part of an oil-fired furnace or boiler including the combustion chamber, and which because of its design, achieves a reduction in the oil used from that used by the device which it replaces.

(iii) *Flue Opening Modification.* The term "flue opening modification" means an automatically operated damper installed in a gas-fired furnace (often called a vent damper) which:

(A) Is installed downstream from the draft hood; and

(B) Conserves energy by substantially reducing the flow of heated air through the chimney when the furnace is not in operation.

(iv) *Electrical or Mechanical Ignition System.* The term "electrical or mechanical ignition system" means a device which, when installed in a gas-fired furnace or boiler, automatically ignites the gas burner and replaces a gas pilot light.

(4) *Replacement Central Air Conditioner.* The term "replacement

central air conditioner" means a central air conditioner which replaces an existing central air conditioner of the same fuel type and which reduces the amount of fuel consumed due to an increase in efficiency.

(5) *Ceiling Insulation.* The term "ceiling insulation" means a material primarily designed to resist heat flow which is installed between the conditioned area of a building and an unconditioned attic. Where the conditioned area of a building extends to the roofs, the term "ceiling insulation" also applies to such material used between the underside and upperside of the roof.

(6) *Wall Insulation.* The term "wall insulation" means a material primarily designed to resist heat flow which is installed within or on the walls between conditioned areas of a building and unconditioned areas of a building or the outside.

(7) *Floor Insulation.* The term "floor insulation" means a material primarily designed to resist heat flow which is installed between the first level conditioned area of a building and an unconditioned basement, a crawl space, or the outside beneath it. Where the first level conditioned area of a building is on a ground level concrete slab, the term "floor insulation" also means such material installed around the perimeter of or on the slab. In the case of mobile homes, the term "floor insulation" also means skirting to enclose the space between the building and the ground.

(8) *Duct Insulation.* The term "duct insulation" means a material primarily designed to resist heat flow which is installed on a heating or cooling duct in an unconditioned area of a building.

(9) *Pipe Insulation.* The term "pipe insulation" means a material primarily designed to resist heat flow which is installed on a heating or cooling pipe in an unconditioned area of a building.

(10) *Water Heater Insulation.* The term "water heater insulation" means a material primarily designed to resist heat flow which is suitable for wrapping around the exterior surface of the water heater casing.

(11) *Storm Window.* The term "storm window" means a window or glazing material placed outside or inside an ordinary or prime window, creating an air space, to provide greater resistance to heat flow than the prime windows alone.

(12) *Thermal Window.* The term "thermal window" means a window unit with improved thermal performance through the use of two or more sheets of glazing material affixed to a window frame to create one or more insulated

air spaces. It may also have an insulating frame and sash.

(13) *Storm or Thermal Door.* The term "storm or thermal door" means:

(i) A second door, installed outside or inside a prime door, creating an insulating air space,

(ii) A door with enhanced resistance to heat flow through the glass area by affixing two or more sheets of glazing material, or

(iii) A prime exterior door with a R-value of at least 2.

(14) *Heat Reflective and Heat Absorbing Window or Door Material.*

The term "heat reflective and heat absorbing window or door material" means a window or door glazing material with exceptional heat-absorbing or heat-reflecting properties; or reflective or absorptive films and coatings applied to an existing window or door which thereby result in exceptional heat-absorbing or heat-reflecting properties.

(15) *Devices Associated with Electric Load Management Techniques.* The term "devices associated with electric load management techniques" means customer-owned or leased devices that reduce the maximum kilowatt demand on an electric utility and which are either:

(i) Part of a radio, ripple or other utility controlled load switching system on the customer's premises;

(ii) Clock-controlled load switching devices;

(iii) Interlocks, and other load-actuated, load-limiting devices; or

(iv) Energy storage devices with control systems.

(16) *Clock Thermostat.* The term "clock thermostat" means a device which is designed to reduce energy consumption by regulating the demand on the heating or cooling system in which it is installed, and uses:

(i) A temperature control device for interior spaces incorporating more than one temperature control level, and

(ii) A clock or other automatic mechanism for switching from one control level to another.

(g) *Energy Conserving Practices:* The term "energy conserving practices" means:

(1) *Furnace Efficiency Maintenance and Adjustments,* which means cleaning and combustion efficiency adjustment of gas or oil furnaces, periodic cleaning or replacement of air filters on forced-air heating or cooling systems, lowering the bonnet or plenum thermostats to 80° F. on a gas or oil forced-air furnace, and turning off the pilot light on a gas furnace during the summer;

(2) *Nighttime Temperature Setback,* which means manually lowering the

thermostat control setting for the furnace during the heating season to a maximum of 55° F. during sleeping hours;

(3) *Reducing Thermostat Settings in Winter,* which means limiting the maximum thermostat control setting for the furnace to 68° F. during the heating season;

(4) *Raising Thermostat Setting in Summer,* which means setting the thermostat control for an air conditioner to 78° F. or higher during the cooling season;

(5) *Water Flow Reduction in Showers and Faucets,* which means placing a device in a shower head or faucet to limit the maximum flow to three gallons per minute, or replacing existing shower heads or faucets with those having built-in provisions for limiting the maximum flow to three gallons per minute;

(6) *Reducing Hot Water Temperatures,* which means manually setting back the water heater thermostat setting to 120° F., and reducing the use of heated water for clothes washing;

(7) *Reducing Energy Use When a Home is Unoccupied,* which means reducing the thermostat setting to 55° F. when a home is empty for four hours or longer in the heating season, turning an air conditioner off in the cooling season when no one is home, and turning a water heater off when a home is vacant for two days or longer;

(8) *Plugging Leaks in Attics, Basements, and Fireplaces,* which means (i) installing scrap insulation or other pliable materials in gaps around pipes, ducts, fans, or other items which enter the attic or basement from a heated space, (ii) installing fireproof material to plug any holes around any damper in a fireplace, and (iii) adding insulation to an attic or basement door;

(9) *Sealing Leaks in Pipes and Ducts,* which means installing caulking in any leak in a heating or cooling duct, tightening or plugging any leaking joints in hot water or steam pipes, and replacement of washers in leaking water valves;

(10) *Efficient Use of Shading,* which means using shades or drapes (i) to block sunlight from entering a building in the cooling season, (ii) to allow sunlight to enter during the heating season, and (iii) to cover windows tightly at night during the heating season; and

(11) Such other low or no cost practices designated by the Governor and approved by the Assistant Secretary in a State Plan which (i) save energy; (ii) do not require the installation of energy conservation or renewable resource measures; and (iii)



do not adversely impact the RCS Program.

(h) *Governor*. The term "Governor" means the Governor or chief executive officer of a State or his designee.

(i) *Home Heating Supplier*. The term "home heating supplier" means a person who sells or supplies home heating fuel (including No. 2 heating oil, kerosene, butane, and propane) to an eligible customer for consumption in a residential building.

(j) *Measures Warranty*. The term "measures warranty" means a manufacturer's or contractor's warranty which certifies that an energy conservation or renewable resource measure will have a useful life of at least three years.

(k) *Nonregulated Utility*. The term "nonregulated utility" means a public utility which is not a regulated utility.

(l) *Nonregulated Utility Plan*. The term "nonregulated utility plan" means a plan developed pursuant to Subpart D of this part.

(m) *Participating Home Heating Supplier*. The term "participating home heating supplier" means a home heating supplier that has elected to participate in a State Residential Conservation Service Plan which includes home-heating suppliers.

(n) *Program Announcement*. The term "program announcement" means the Residential Conservation Service Program information and offer of services required to be sent by a covered utility or participating home heating supplier to each eligible customer by § 456.306.

(o) *Program Audit*. The term "program audit" means an energy audit in which the estimates of costs and savings are based on an on-site inspection of the residence of an eligible customer by an auditor qualified according to a State or Nonregulated Utility Plan.

(p) *Program Information*. The term "program information" means the program announcement and any information dissemination activities related to a Residential Conservation Service Program.

(q) *Program Measures*. The term "program measures" means those energy conservation or renewable resource measures which the Assistant Secretary has by rule determined to be appropriate by climatic region and building category and which are found in Appendix I to this part.

(r) *Public Utility*. The term "public utility" means any person, State agency, or Federal Agency which is engaged in the business of selling natural gas or electric energy, or both, to residential customers for use in a residential building.

(s) *Rate*. The term "rate" means any price, rate, charge, or classification made, demanded, observed, or received with respect to sales of electric energy or natural gas, any rule, regulation, or practice respecting any such rate, charge or classification, and any contract pertaining to the sales of electric energy or natural gas.

(t) *Ratemaking Authority*. The term "ratemaking authority" means authority to fix, modify, approve, or disapprove rates.

(u) *Regulated Utility*. The term "regulated utility" means a public utility with respect to whose rates a State regulatory authority has ratemaking authority.

(v) *Renewable Resource Measure*. The term "renewable resource measure" means the following measures in or with respect to a residential building:

(1) *Solar Domestic Hot Water Systems*. The term "solar domestic hot water systems" means equipment designed to absorb the sun's energy and to use this energy to heat water for use in a residential building other than for space heating, including thermosiphon hot water heaters.

(2) *Active Solar Space Heating Systems*. The term "active solar space heating systems" means equipment designed to absorb the sun's energy and to use this energy to heat living space by use of mechanically forced energy transfer, such as fans or pumps.

(3) *Combined Active Solar Space Heating and Solar Domestic Hot Water System*. The term "combined active solar space heating and solar domestic hot water system" means equipment designed to perform both of the functions described in paragraphs (1) and (2).

(4) *Passive Solar Space Heating and Cooling Systems*. The term "passive solar space heating and cooling systems" means systems that make most efficient use of, or enhance the use of, natural forces—including solar insolation, winds, night time coolness, and opportunity to lose heat by radiation to the night sky—to heat or cool living space by the use of conductive, convective or radiant energy transfer. Passive solar systems include only:

(i) *Direct Gain Glazing Systems*. The term "direct gain glazing systems" means the use of south-facing (+ or -45° of True South) panels of insulated glass, fiberglass, or other similar transparent substances that admit the sun's rays into the living space where the heat is retained. Glazing is either double-paned, or single-paned equipped with movable insulation.

(ii) *Indirect Gain Systems*. The term "indirect gain systems" means the use of panels of insulated glass, fiberglass or other transparent substances that direct the sun's rays onto specially constructed thermal walls, ceilings, rockbeds, or containers of water or other fluids where heat is stored and radiated.

(iii) *Solaria/Sunspace Systems*. The term "solaria/sunspace systems" means a structure of glass, fiberglass or similar transparent material which is attached to the South-facing (+ or -45° of True South) wall of a structure which allows for air circulation to bring heat into the residence, and which is able to be closed off from the residential structure during periods of low solar insolation.

(iv) *Window Heat Gain Retardants*. The term "window heat gain retardants" means those mechanisms which significantly reduce summer heat gain through South-facing (+ or -45° of True South) windows by use of devices such as awnings, insulated rollup shades (external or internal), metal or plastic solar screens, or moveable rigid insulation.

(5) *Wind Energy Devices*. The term "wind energy devices" means equipment that uses wind energy to produce energy in any form for personal residential purposes.

(6) *Replacement Solar Swimming Pool Heaters*. The term "replacement solar swimming pool heaters" means devices which are used solely for the purpose of using the sun's energy to heat swimming pool water and which replace a swimming pool heater using electricity, gas and other fossil fuel.

(w) *Residential Building*. The term "residential building" means any building used for residential occupancy which:

(1) Is not a new building to which final standards under Sections 304(a) and 305 of the Energy Conservation and Production Act apply;

(2) Has a system for heating, cooling, or both heating and cooling, living spaces; and

(3) Contains at least one, but not more than four, dwelling units. Townhouses and rowhouses in rows of more than 4 separate houses are included in this definition but garden apartment complexes which contain clusters of four apartment units or less are not.

(x) *Residential Conservation Service (RCS) Program*. The term "Residential Conservation Service (RCS) Program" means the program required to be implemented by covered utilities pursuant to an approved State Plan, an approved Nonregulated Utility Plan, or a Federal Standby Plan.

(y) *Secretary*. The term "Secretary" means the Secretary of Energy.

(z) *State*. The term "State" means a State, the District of Columbia, and Puerto Rico.

(aa) *State Agency*. The term "State agency" means a State, a political subdivision thereof, or any agency or instrumentality of either.

(bb) *State Measure*. The term "State measure" means an energy-saving measure which has been approved by the Assistant Secretary in the State Plan pursuant to § 456.319.

(cc) *State Regulatory Authority*. The term "State regulatory authority" means any State agency which has ratemaking authority with respect to the sales of electric energy or natural gas by any public utility (other than by such State agency); except that in the case of a public utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

(dd) *State Plan*. The term "State Plan" means a plan developed pursuant to Subparts B and C of this part.

(ee) *Useful Life*. The term "useful life" means the period of time for which an energy conservation or renewable resource measure is fit for the ordinary purposes for which such measure is used.

#### § 456.106 Utility and Home Heating Supplier Liability.

A covered utility or home heating supplier that arranges for a lender to make a loan to, or a contractor to perform work for, and eligible customer should not be held liable, by virtue of its role as project manager for the RCS Program, in any cause of action between such customer and such lender or contractor.

#### Subpart B—Preparation, Submission, and Approval of State Plans and Temporary Programs

##### § 456.201 Scope.

This Subpart identifies the responsibilities of the States and the Tennessee Valley Authority (TVA) in the preparation and submission of State Residential Conservation Service Plans, hereinafter referred to as "State Plans," if a State or the TVA chooses to submit a State Plan; the procedures for approval of the State Plan by the Assistant Secretary; and the procedures for submission and criteria for approval of Temporary Programs.

##### § 456.202 Initial Submission.

If a State intends to submit a State Plan, the Governor or State Agency specifically authorized by State law to submit a State Plan shall submit the following information to the Assistant Secretary:

(a) *Lead Agency*. Within 30 days of the effective date of these rules, the name and address of the State Agency, hereinafter referred to as "Lead Agency," which has principal responsibility for the development of the State Plan. The Lead Agency shall be either:

(1) An Agency designated by the Governor to develop and submit a State Plan; or

(2) A State Agency specifically authorized by law to develop and submit a State Plan.

(b) *Nonregulated Utilities*. Within 30 days of the effective date of these rules, a list of which nonregulated covered utilities, if any, operating in the State will be subject to the State Plan; and

(c) *Home Heating Suppliers*. Within 90 days of the effective date of these rules, whether or not any home heating suppliers will be included in the State Plan.

#### § 456.203 Coordination Requirements.

(a) *Among States*. The Lead Agency shall, to the extent feasible, coordinate the preparation of the State Plan with any other State which has jurisdiction over any covered utility or participating home heating supplier subject to the State Plan for the purpose of minimizing any inconsistent provisions governing such covered utility or participating home heating supplier.

(b) *Between the Lead Agency and the State Regulatory Authority*. If the Lead Agency is not the State Regulatory Authority, then the Lead Agency shall provide such Authority a copy of the proposed State Plan 30 days prior to the public hearing required by § 456.204.

#### § 456.204 Notice, Comment, and Public Hearing.

Prior to submission of the State Plan to the Assistant Secretary for approval, the Governor or Lead Agency shall:

(a) *Notice and Comment*. Provide meaningful public notice of the intention of the State to submit a State Plan. To be meaningful, this notice shall, at a minimum:

(1) Appear in newspapers of general circulation published in the State;

(2) Indicate where a copy of and information pertaining to the proposed State Plan can be obtained;

(3) Indicate the date, time, and location of each public hearing to be held pursuant to Subsection (b) at least 30 days prior to such hearing; and

(4) Invite public comments on the content of the proposed State Plan, with at least 30 days notice.

(b) *Hearing*. Hold at least one public hearing in the State for the purpose of hearing testimony and receiving

comments on the content of the proposed State Plan.

#### § 456.205 Procedures for Submission and Approval of State Plans.

(a) *Who Shall Submit*. Ten (10) copies of the proposed State Plan shall be submitted to the Assistant Secretary by either:

(1) The Governor of the State;

(2) The Lead Agency; or

(3) The TVA with respect to all covered utilities over which the TVA has exclusive ratemaking authority and, in the discretion of TVA, with respect to any covered utility over which the TVA and another State Regulatory Authority have ratemaking authority.

(b) *Time for Submission*. The proposed State Plan shall be submitted within 180 days of the effective date of these rules. The time for submission may be extended by the Assistant Secretary if:

(1) The Governor or Lead Agency requests an extension at least 10 days prior to the formal deadline; and

(2) Good cause is shown for allowing an extension.

(c) *Approval*.

(1) If a proposed State Plan meets the criteria of Subparts B and C of this Part, the Assistant Secretary shall approve it within 90 days of the date the proposed State Plan was submitted.

(2) Within 210 days after the date of approval of a State Plan, the Lead Agency shall provide to the Assistant Secretary a statement certifying whether or not all covered utilities and home heating suppliers subject to the State Plan are in compliance with the State Plan.

(3) The Lead Agency shall, within 30 days of approval of the State Plan:

(i) Inform covered utilities subject to the State Plan and participating home heating suppliers of the contents of the State Plan;

(ii) Direct such covered utilities and participating home heating suppliers to comply with the State Plan; and

(iii) Inform such covered utilities and participating home heating suppliers of the State and Federal procedures for investigating and enforcing compliance with the State Plan.

(d) *Disapproval*.

(1) If a proposed State Plan does not meet the criteria of Subparts B and C of this Part, the Assistant Secretary shall, within 90 days of the date the proposed State Plan was submitted, disapprove the proposed State Plan in writing and shall specify in writing the grounds for disapproval.

(2) Within 60 days of the date of disapproval of a proposed State Plan, or such longer period as the Assistant



Secretary may determine pursuant to the criteria of Subsection (b), the Governor or Lead Agency may submit another proposed State Plan. Except for the time in which a proposed State Plan must be submitted and the requirement for notice, comment, and public hearing, all procedures of this Subpart for submission of the original proposed State Plan shall be applicable to the submission of any proposed State Plan submitted after initial disapproval. The Assistant Secretary may, in disapproving a State Plan, require that the notice, comment, and public hearing requirements be complied with prior to resubmission.

(e) *Amendments.*

(1) The Governor or Lead Agency may submit proposed amendments to an approved State Plan at any time.

(2) Except for the time in which a proposed State Plan must be submitted, all procedures of this Subpart for submission of the original State Plan shall be applicable to the submission of proposed amendments to any approved State Plan.

§ 456.206 Home Heating Suppliers.

If the Governor or Lead Agency submits a plan applicable to home heating suppliers in the State, it shall be a part of the State Plan and shall be submitted in accordance with the procedures of this Subpart applicable to the submission of the State Plan.

§ 456.207 Tennessee Valley Authority (TVA).

In this part, except as otherwise specified, references to the Lead Agency shall be deemed to refer also to the TVA and references to the State Plan shall be deemed to refer also to the TVA Plan. References in this Part to a State as a geographic area shall, with respect to the TVA Plan, be references to the service areas of the covered utilities subject to the TVA Plan. Reference in this part to a State as a governmental entity (other than references to State laws or regulations) or to any State Agency or officer shall be deemed to refer also to the TVA. If the TVA chooses to submit a Residential Conservation Service Plan, it shall be subject to the following exceptions and additional requirements:

(a) *Exclusion from Initial Submission.* The TVA need not submit the Initial Submission as required in § 456.202. However, within 30 days after the effective date of these rules, the TVA shall notify the Assistant Secretary of the person(s) in charge of its Residential Conservation Service Program and shall submit to the Assistant Secretary a list

of which covered utilities will be subject to its Plan.

(b) *Coordination Requirement.* The TVA shall coordinate its Residential Conservation Service Plan with each State Plan developed by a State in which the utilities covered by the TVA Plan are located.

(c) *Exclusion of Home Heating Suppliers.* The TVA Plan shall not cover home heating suppliers.

§ 456.208 Temporary Programs.

(a) *Definition of Temporary Program.* A Temporary Program is a plan or a part of a State Plan which exempts in whole or in part for a specified period, to be determined by the Assistant Secretary, but not to exceed three years from the date of approval of such Temporary Program, one or more utilities from one or more of the following provisions:

- (1) The requirements for preparing and distributing the Program Announcement described in § 456.306;
- (2) The requirements for offering and performing audits described in § 456.307;
- (3) The requirements for offering and arranging installation of program measures described in § 456.308;
- (4) The requirements for offering and arranging financing for the sale or installation of program measures described in § 456.309;
- (5) The requirements concerning accounting and payment of costs described in § 456.310;
- (6) The requirements regarding billing of costs, repayment of loans, and termination of service described in § 456.311;
- (7) The requirements for distributing the lists described in § 456.312(c); and
- (8) The prohibition against supplying, installing, or financing by covered utilities described in § 456.502(a).

(b) *Who May Submit.* A proposed Temporary Program may be submitted to the Assistant Secretary by either:

- (1) The Governor of a State;
- (2) A covered utility which is included in a State Plan with the support of the Governor; or
- (3) A nonregulated utility not included in a State Plan.

(c) *Time for Submission.* A proposed Temporary Program shall be submitted to the Assistant Secretary within 180 days of the effective date of these rules.

(d) *Approval.*

(1) The Assistant Secretary shall approve or disapprove a proposed Temporary Program within 90 days of receipt of the proposed Temporary Program or later if he so notifies the person who submitted the proposed Temporary Program.

(2) The Assistant Secretary may approve a Temporary Program for a

period not to exceed three years from the date of approval.

(3) Approval shall be conditioned upon periodic review by the Assistant Secretary to determine whether the grounds for approval still exist. Upon determination by the Assistant Secretary that such grounds for approval no longer exist, the Temporary Program shall be terminated.

(e) *Criteria for Approval.* The Assistant Secretary shall approve a proposed Temporary Program only if the person submitting the proposed Temporary Program demonstrates to the Assistant Secretary's satisfaction that the Temporary Program:

- (1) Contains adequate procedures to assure that each covered utility under such program will charge fair and reasonable prices and rates of interest to its eligible customers in connection with the purchase and installation of residential energy conservation and renewable resource measures;
- (2) Contains adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such program;
- (3) Is likely to result in the installation of all program measures in at least as many residential buildings as would have been installed had such utility not been exempt from the requirements for which exemption is sought; and
- (4) Contains a provision for submitting such periodic reports as the Assistant Secretary may require.

(f) *Federal Standby Authority.* The Federal Standby Authority described in Subpart F shall not be exercised with respect to a covered utility which either:

- (1) Is subject to an approved Temporary Program;
- (2) Is proposed for inclusion under a proposed Temporary Program which has been submitted in accordance with Subsection (c), but has not yet been approved or disapproved by the Assistant Secretary; or
- (3) Was subject to an approved Temporary Program which has terminated and such covered utility will be subject, within a reasonable time, to be determined by the Assistant Secretary, to an adequately implemented approved State or Nonregulated Utility Plan.

Subpart C—Content of State Plans

§ 456.301 Scope.

This subpart prescribes the minimum requirements for the content of State Plans. The State may include additional information and provide additional requirements in the State Plan for the Residential Conservation Service

Program is such information and requirements are not specifically prohibited by these rules or by any applicable law or regulation. All references in this Subpart to covered utilities apply to regulated and nonregulated covered utilities subject to the State Plan.

#### § 456.302 Coverage of State Plan.

(a) *Regulated Utilities.* All regulated utilities providing utility service in a State which meet the definition of "covered utility" in § 456.105(c) shall be subject to the State Plan and shall be identified in the State Plan.

(b) *Nonregulated Utilities.* The State Plan shall identify which nonregulated covered utilities, if any, are covered under the State Plan.

(c) *Home Heating Suppliers.* The State Plan shall state whether or not it includes a Residential Conservation Service Program for home heating suppliers.

(d) *Temporary Programs.* The State Plan shall identify the covered utilities, if any, for which a request for any Temporary Program provision has been submitted and describe or attach such provision for each such utility.

#### § 456.303 Procedures for investigating and enforcing compliance with the State Plan.

##### (a) *Investigation and Enforcement.*

(1) The State Plan shall require each covered utility and each participating home heating supplier to comply with the State Plan.

(2) The State Plan shall contain adequate procedures for investigating and enforcing compliance with the State Plan by covered utilities and participating home heating suppliers.

(3) The State Plan shall cite and describe the existing or proposed State authority(ies) for such investigation and enforcement, including authorities with respect to any nonregulated utility covered in the State Plan.

(4) The State Plan shall identify the State agency(ies) responsible for such investigation and enforcement and shall include a description of the resources available for such investigation and enforcement.

(b) *Conflicts of Laws.* The State Plan shall require each covered utility to petition the Assistant Secretary in accordance with § 456.102:

(1) Whenever the utility believes it is prohibited by a State or local law or regulation from taking any action required to be taken under NECPA or any rule or State Plan promulgated pursuant to NECPA; or

(2) Whenever the utility believes it is required or permitted by a State or local

law or regulation to take any action prohibited by NECPA or any rule or State Plan promulgated pursuant to NECPA.

#### § 456.304 Exemptions and Waivers for Utility Supply, Installations, and Financing.

The State Plan shall:

(a) Require that each covered utility which supplies, installs, or finances any energy conservation or renewable resource measure pursuant to §§ 456.503–456.505 be listed as a supplier, installer or lender, as appropriate, pursuant to § 456.312 in the same manner and subject to the same requirements as any other supplier, installer, or lender.

(b) Contain a list of all covered utilities engaged in supplying, installing, or financing energy conservation or renewable resource measures pursuant to § 456.506, including with respect to each such utility a specific description of those supply, installation, or finance activities.

(c) Specifically describe how each covered utility listed in Subsection (b) will comply with the requirements of the State Plan mandated by this Subpart in light of the exemption in § 456.506(b).

(d) Contain procedures to ensure that covered utilities which supply, install or finance the sale or installation of energy conservation or renewable resource measures pursuant to §§ 456.503–456.505 shall:

(1) Charge fair and reasonable prices and interest rates, which shall be determined by periodic review of comparative prices and interest rates by a State designated agency;

(2) Not discriminate unfairly among eligible customers; and

(3) When financing energy conservation or renewable resource measures, not discriminate unfairly among suppliers, among contractors, or among measures.

#### § 456.305 Scope of Benefits.

(a) The State Plan shall describe what action by an eligible customer shall entitle such customer to the following benefits:

(1) The measures warranty defined in § 456.105(j) with respect to any program or State measure except caulking and weatherstripping;

(2) Supply or installation of a measure subject to the standards in Subparts G, H, or I;

(3) Enforcement of standards through the mandatory inspections described in § 456.313 (a) and through inclusion in the pool from which random inspections will be made pursuant to § 456.313(b);

(4) Billing of costs and repayment of loans as described in § 456.311;

(5) Access to the conciliation conference and redress procedures described in § 456.315; and

(6) The requirements placed on suppliers, lenders, and contractors by § 456.312(b).

(b) At a minimum the benefits in subsections (a)(1)–(5) and of the requirements placed on contractors by § 456.312(b)(1) shall be available to each eligible customer when a covered utility or participating home heating supplier arranges installation of any program measure or State measure in such customer's residence pursuant to § 456.308.

(c) At a minimum the benefits in subsections (a) (4) and (5) and of the requirements placed on lenders by § 456.312(b)(3) shall be available to each eligible customer when a covered utility or participating home heating supplier arranges financing, pursuant to § 456.309, for the purchase or installation of any program or State measure installed in such customer's residence.

(d) At a minimum, the benefits in subsections (a)(1), (4), and (5) and of the requirements placed on suppliers by § 456.312(b)(2) shall be available to each eligible customer who purchases any program measure from a listed supplier who indicates that the measure meets applicable RCS program material standards or carries the measures warranty defined in § 456.105(j).

#### § 456.306 Program Announcement.

(a) *Distribution and Content.* The State Plan shall require each covered utility and each participating home heating supplier to send to each eligible customer, no later than six months after approval of the State Plan and every two years thereafter until January 1, 1985, a Program Announcement which shall, at a minimum:

(1) List the program measures and, if any, the State measures for the category of residential buildings owned or occupied by such eligible customer;

(2) Include a reasonable estimate (or range of estimates) of the savings, in energy costs, expressed in dollars or in percentages, for a specified period of time, which are likely to result from installation of each of the program measures and any State measures in a typical building or buildings in such category;

(3) List the energy conserving practices and state that they are of low or no cost;

(4) Include a reasonable estimate (or range of estimates) of the savings in energy costs, expressed in dollars or in percentages, for a specified period of time, likely to result from the adoption

of the practices, individually or as a group;

(5) For each of the services required to be offered under §§ 456.307 (Program Audits), 456.308 (Arranging Installation), 456.309 (Arranging Financing), and 456.312(c) (List Distributed to Eligible Customers):

(i) Offer and describe the service. The offer of the program audit may be conditioned upon a nondiscriminatory and reasonable factor such as serving one geographic area at a time or serving a certain type of energy user first. At a minimum, the State Plan shall contain procedures to assure that all customers who receive a conditional offer of a program audit are recontacted and receive an unconditional offer of a program audit within two years of receiving the conditional offer;

(ii) Explain how the eligible customer may request the service; and

(iii) List the direct cost, if any, of receiving the service.

(6) With respect to the benefits listed in § 456.305(a), describe under what circumstances such benefits may be obtained, including an explanation of any differences in the benefits applicable to any State measures listed in the Program Announcement.

(7) Include the following disclosure or its equivalent:

Energy savings depend on many factors. The estimates contained in this program announcement are based on estimates for typical houses. Your costs and savings will be different if your house is a different size or type, if your family is a different size, or if your energy using habits are different from those we assumed. The energy audit which we offer will provide more specific estimates for your home.

(8) Include a brief explanation of the benefits of the federal energy tax credits.

(9) Include a brief explanation of the benefits of the Weatherization Assistance Program for Low Income Persons, 10 CFR Part 440, and a brief description of who is eligible for such assistance.

(10) Not include any advertising for the sale, installation or financing by any supplier, contractor, or lender (including the covered utility) of any energy conservation measure, renewable resource measure, State measure, or energy conserving practice; however, if the covered utility or participating home heating supplier finances the sale or installation of such measures, the Program Announcement may so state.

(11) Not include any information regarding any product which is not an energy conservation measure, a renewable resource measure, a State

measure, or an energy conserving practice.

(b) *Alternative.* The State Plan may contain an alternative requirement for disseminating RCS Program information and offers of services to eligible customers that shall be used instead of the Program Announcement described in subsection (a), if the Assistant Secretary determines that such alternative requirement fulfills the same functions as the Program Announcement in an equivalent manner.

(c) *Category of Residential Buildings.* As used in this section, the term "category of residential buildings" means one of the categories defined in Appendix I of this part.

(d) *Calculation Procedures.* The State Plan shall, with respect to the estimates of the savings included in the Program Announcement:

(1) Describe the procedures by which such estimates shall be made;

(2) Require that such estimates be based on recent prices for fuel and on climate data which are representative of those for the location of each eligible customer; and

(3) Assure that:

(i) If an eligible customer receives two or more Program Announcements from different covered utilities or participating home heating suppliers, the cost and savings estimates required in paragraph (a) of this section are substantially the same; and

(ii) Such estimates in Program Announcements distributed in different parts of the State are consistent. Consistent means substantially the same except for variations in the characteristics of typical homes and in the price and climate data applicable in the different parts of the State.

(e) *New Customers.*

(1) A new customer is a person who becomes an eligible customer after initial distribution of the Program Announcement but before January 1, 1985.

(2) The State Plan shall require that each covered utility and participating home heating supplier send a Program Announcement which meets the requirements of this section to each new customer within 60 days of such customer becoming a new customer.

(3) The State Plan shall require that covered utilities and participating home heating suppliers inform each new customer that upon request the customer may receive a copy of the results of any program audit of the customer's residence which the covered utility or participating home heating supplier may have performed pursuant to the State Plan and require that upon such a

request such utility or home heating supplier provide such results.

#### § 456.307 Requirements for Energy Audits.

(a) *Timing and Preconditions.*

(1) The State Plan shall specify a reasonable time within which each covered utility and participating home heating supplier shall provide program audits to an eligible customer upon a request for such an audit.

(2) The State Plan shall prohibit covered utilities and participating home heating suppliers from requiring as a precondition of providing a program audit to an eligible customer that such customer purchase or perform any other energy audit, including a Class B energy audit.

(3) The State Plan shall prohibit covered utilities and participating home heating suppliers from discriminating unfairly among eligible customers in providing program audits.

(b) *Content of Program Audit.*

The State Plan shall describe the energy audit services to be offered by covered utilities and participating home heating suppliers and shall require at a minimum that each covered utility and participating home heating supplier provide to each eligible customer a comprehensive program audit which addresses all energy conserving practices and all program measures, upon request by such eligible customer.

(1) The State Plan shall require that in each program audit, the auditor determine which of the energy conserving practices would save energy in the residence, explain such energy conserving practices to the eligible customer, emphasize the importance of these practices, and recommend that they be performed before installation of any measure.

(2) The State Plan shall require that in each program audit, the auditor determine the applicability of each program measure in that residence. If a program measure is not applicable, then the requirements of this section to provide estimates of the cost and savings of installation of such measure in such residence need not apply. A program measure is applicable in a residence if:

(i) The measure is not already present in the residence;

(ii) Installation of the measure is not a violation of federal, State, or local law or regulation;

(iii) With respect to ceiling insulation, the difference between the effective R-value of any existing insulation and the program measure level for that residence is R-11 or more, and the building is not a mobile home;

(iv) With respect to wind energy devices, the lot is larger than 0.75 acres, there are no major wind obstructions, and a tower can be sited at least 50 feet from a property line or a right-of-way for electrical transmission or distribution lines;

(v) With respect to active solar heating systems, or combined active solar systems, a site exists on or near the residence which is free of major obstruction to solar radiation and the residence has a space heating system other than a steam heating, electric resistance radiant heating, or electric resistance baseboard heating system;

(vi) With respect to active domestic hot water systems, a site exists on or near the residence which is free of major obstruction to solar radiation;

(vii) With respect to flue opening modifications, the furnace combustion air is taken from a conditioned area;

(viii) With respect to replacement furnaces or boilers, the existing furnace is approximately five years old or older;

(ix) With respect to replacement central air conditioners, the residential building has a central air conditioner that is approximately five years old or older;

(x) With respect to water heater insulation, the remaining useful life of the water heater appears to the auditor to be at least three years and space is available around the water heater to install insulation;

(xi) With respect to clock thermostats, either the residence currently has a thermostat or the existing furnace or central air conditioner is compatible with a clock thermostat;

(xii) With respect to replacement solar swimming pool heaters, there is an existing heated swimming pool and a site exists near the part which is free of major obstruction to solar radiation;

(xiii) With respect to wall insulation, there is no insulation in a substantial portion of the exterior walls, and the building is not a mobile home;

(xiv) With respect to floor insulation, no floor insulation is present;

(xv) With respect to direct gain glazing systems and indirect gain systems, the living space of the residence has either a South-facing (+ or -45° of True South) wall or an integral South-facing (+ or -45° of True South) roof, which is free of major obstruction to solar radiation;

(xvi) With respect to solar/sunspace systems, the living space of the residence has a South-facing ground level wall, which is free of major obstruction to solar radiation;

(xvii) With respect to window heat gain retardants, the living space of the

residence has a South-facing (+ or -45° of True South) window that is not shaded from summer sunshine; and

(xviii) With respect to heat absorbing or heat reflective window and door material, the residence has an existing central or room air conditioner.

These applicability criteria may in a State Plan be expanded or restricted, subject to the approval of the Assistant Secretary.

(3) The State Plan shall require that each estimate of energy cost savings and of installation costs provided as a result of a program audit be based on an adequate assessment, including actual measurements or inspections, as appropriate, performed on-site by the auditor, of the building shell and of the space heating, space cooling, and water heating equipment.

(4) The State Plan shall contain procedures to assure that the estimates of energy cost savings and of installation costs and any other economic calculation provided as a result of a program audit shall be based on typical recent local electricity rates, typical recent local fuel prices, typical recent local prices for materials and installation of program measures, and typical local climate data for the eligible customer's location.

(5) The State Plan shall require that the estimates of energy cost savings for active solar space heating systems, solar domestic hot water systems, and combined active solar space heating and solar domestic hot water systems be based on the calculation procedures contained in the HUD Intermediate Minimum Property Standards Supplement, Solar Heating and Domestic Hot Water Systems, 4930.2, 1977 Edition, U.S. Dept. of Housing and Urban Development, or equivalent calculation procedures, included in the State Plan and approved by the Assistant Secretary.

(6) The State Plan shall contain procedures to assure the validity of the program audit with respect to all program measures and shall contain either:

(i) A brief description of the program audit procedures which shall be followed under the State Plan and a detailed description of the method which has been used by the State to assure the accuracy of these procedures; or

(ii) A detailed description of the program audit procedures which shall be followed under the State Plan, subject to the approval of the Assistant Secretary as to their validity; or

(iii) A certification that the State has sought and received the approval of the

Assistant Secretary as to the accuracy of the program audit procedures.

For the purposes of this paragraph, the term "program audit procedures" means the measurements or inspections which the auditor must make in a customer's residence and the calculations which must be performed in making energy cost savings estimates.

(7) The State Plan shall require that any cost and savings estimate for any applicable furnace efficiency modification to a gas or oil furnace or boiler be based on an evaluation of the seasonal efficiency of such furnace or boiler. This seasonal efficiency shall be based on estimated peak (tuned up) steady state efficiency corrected for cycling losses. Steady state efficiency shall be derived from manufacturer's design data and observation of the furnace components, or alternatively, by a flue gas analysis of measured flue gas temperature and carbon dioxide content.

#### (c) Results of Program Audit.

The State Plan shall require that the auditor, in person, on site, provide the following information in writing to each eligible customer who receives a program audit upon completion of the audit. If the eligible customer is not present or otherwise declines in-person presentation, the auditor is relieved of any obligation to deliver the results in person. An alternative to the on-site, in-person delivery of audit results required in this subsection may be used if the State Plan demonstrates to the satisfaction of the Assistant Secretary that another method of delivery is equally effective in motivating the customer to install measures.

(1) An estimate of the total cost (materials and labor), expressed in dollars or a range of dollars, of installation by a contractor of each applicable program measure addressed in the program audit;

(2) An estimate of the total cost, expressed in dollars or a range of dollars, of installation by the customer of each applicable program measure, other than replacement central air conditioners and wall insulation, addressed in the program audit, except that the State Plan shall prohibit any covered utility or participating home heating supplier from providing any estimate to any eligible customer of the cost of purchase of furnace efficiency modifications, devices associated with load management techniques, or wind energy devices for installation by the eligible customer;

(3) An estimate of the savings in energy costs, expressed in dollars or a range of dollars, which would occur during the first year from installation of

each applicable program measure addressed by the program audit;

(4) Clear indication to the eligible customer, through sample calculation or disclosure, that the total energy cost savings from the installation of more than one program measure may be less than the sum of energy cost savings of each measure installed individually;

(5) The following disclosure or its equivalent: "The procedures used to make these estimates [are consistent with DOE criteria for residential energy audits] or [have been evaluated by the State for accuracy]. However, the actual installation costs you incur and energy savings you realize from installing these measures may be different from the estimates contained in this audit report. Although the estimates are based on measurements of your house, they are also based on assumptions which may not be totally correct for your household."

(6) An estimate of the annual normal maintenance costs, if any, of each applicable program measure;

(7) The possible economic benefits to the eligible customer of existing Federal tax incentives, with, at a minimum, one sample calculation of the effect of the tax benefit on the cost to the customer of installing one applicable energy conservation program measure and one applicable renewable resource program measure;

(8) With respect to a program audit addressing an applicable solar domestic hot water system or active solar space heating system, or combination thereof, a description of the solar system assumed by the auditor in preparing energy savings estimates which shall include the following information:

- (i) Square feet of collector;
- (ii) Collector characteristics, including glazing materials and other collector materials;
- (iii) Any storage system needed, including the capacity of storage;
- (iv) Any freeze protection needed;
- (v) The estimated percent of the space and/or water heating load to be met by solar energy;
- (vi) Any physical connections needed with existing heating systems;
- (vii) Any site preparation needed; and
- (viii) If the results are based on a simulation, the following disclosure or its equivalent:

"The energy cost savings estimates you receive are based on systems which may be different from the ones you purchase. Also, these estimates were not determined using actual conditions but using simulated measurements. Therefore, the cost savings we have estimated may be different from the savings which actually occur."

(9) With respect to a program audit addressing an applicable passive solar space heating and cooling system:

- (i) The generic designation and a pictorial description of the particular system considered by the auditor;
- (ii) The estimated percent of the heating load to be met by such system;
- (iii) The approximate dimensions of such system;
- (iv) Collection storage characteristics, including the recommended heat capacity of storage; and
- (v) The disclosure provided in paragraph (8)(viii) of this subsection.

(10) With respect to a program audit addressing an applicable wind energy device:

(i) Installation cost estimates, as required in paragraph (c)(1) of this section, based on commercially available wind devices of a kilowatt rating appropriate to the level of electricity consumption in the customer's residence;

(ii) Estimates of energy cost savings, as required in paragraph (c)(3) of this section, provided in the form of a function of average yearly wind speeds for the system used in paragraph (c)(10)(i) of this section;

(iii) The average yearly wind speed at the nearest wind measurement station and the relationship between that data and the likely wind speeds at the residence; and

(iv) A description of the type of wind energy device used by the auditor in preparing the energy savings estimates.

(d) *Additional Information Required for Program Audits.* The State Plan shall require that the auditor present the following information to the eligible customer during, or upon completion of, the program audit.

- (1) An explanation of the benefits and services listed in § 456.305(a), and a brief description of how the eligible customer can qualify for such benefits and services, including an explanation of the difference, if any, between the benefits and services available for program measures and those for any State measures addressed in the audit;
- (2) The lists of contractors, suppliers, and lenders developed pursuant to the State Plan for the applicable program measures, at a minimum; and
- (3) An explanation of the benefits of the Weatherization Assistance Program for Low Income Persons, 10 CFR Part 440, and a brief description of who is eligible for such assistance.

(e) *Prohibitions and Disclosure Required for Program Audits.*

(1) The State Plan shall prohibit the auditor from estimating, as part of any program audit provided pursuant to the State Plan, the costs or energy cost

savings of installing any product which is not an energy conserving practice, a program measure, or a State measure;

(2) The State Plan shall prohibit any auditor from recommending any supplier, contractor, or lender who supplies, installs, or finances the sale or installation of any program or State measure, if such recommendation would unfairly discriminate among such suppliers, contractors, or lenders. If a covered utility or participating home heating supplier which arranged the audit, supplies, installs or finances the sale or installation of program or State measures, the auditor may so state;

(3) The State Plan shall prohibit any unfair discrimination among program measures;

(4) The State Plan shall require that each energy auditor provide the eligible customer with a written statement of any substantial interest which the person or the person's employer has, directly or indirectly, in the sale or installation of any program or State measure.

(f) *Program Audits of Furnaces.* The State Plan shall require that, in order for an auditor of a covered utility or participating home heating supplier to provide cost and savings estimates for furnace efficiency modifications with respect to a furnace which uses as its primary source of energy any fuel or source of energy other than the fuel or source of energy sold by that covered utility or participating home heating supplier, the eligible customer must request such audit by signing a form which includes the following statement:

If your home is heated by a source of fuel other than [state the type of fuel supplied by the covered utility or participating home heating supplier], only the supplier of the other fuel may audit your furnace unless you specifically request us to audit your furnace. Federal law requires that such a request be in writing. If you want us to audit your furnace, although we do not supply the fuel for it, please sign below.

(g) *Qualifications for Program Auditors.* The State Plan shall require that each person who performs a program audit pursuant to the State Plan shall:

- (1) Be qualified according to the applicable procedures in § 456.314;
- (2) Be under contract or subcontract to, be an employee of, or be an employee of a contractor or subcontractor to, a covered utility or participating home heating supplier.

(h) *Class B Energy Audits.* If the State Plan permits Class B energy audits to be offered in conjunction with the RCS Program, it shall:



(1) Require that Class B energy audits address all energy conserving practices and all program measures;

(2) Require that Class B energy audits explain the energy conserving practices, emphasize the importance of these practices, and recommend that they be performed before installation of any measure;

(3) Require that Class B energy audits meet the requirements for program audits contained in paragraphs (B) (3)–(5) of this section and contain procedures to assure the validity of the audit as provided for in paragraph (b)(6) of this section with respect to program audits. However, in paragraphs (b)(3) and (b)(6) of this section, all references to measurements and inspections by the auditor shall be treated as references to measurements and inspections by the customer;

(4) Require that the Class B audit provide to the eligible customer the same information required as part of a program audit in paragraphs (c) (1)–(10) of this section;

(5) Require that the Class B audit provide to the eligible customer the additional information required as part of a program audit by paragraphs (d) (1) and (3) of this section;

(6) Require that the Class B audit offer the lists of contractors, suppliers, and lenders developed pursuant to the State Plan;

(7) Contain with respect to the Class B audit the same prohibitions required in paragraphs (e) (1)–(3), except that references to the program audit shall be deemed to refer to the Class B audit and references to the auditor shall refer to the entity providing the Class B audit;

(8) Require that the utility providing the Class B audit attempt to contact the eligible customer, by telephone or otherwise, if the information sent by such customer is incomplete or internally inconsistent, in order to attempt to correct or make complete the information.

#### § 456.308 Arranging Installation.

The State Plan shall:

(a) Require each covered utility and participating home heating supplier to arrange installation of any program measure upon request by any eligible customer;

(b) Describe these arrangement services which shall, at a minimum, include:

(1) A choice to the eligible customer of either receiving assistance from the covered utility or participating home heating supplier in receiving bids for the installation of program measures, or receiving a list of any installers who have agreed to perform installations of

program measures at or within the prices estimated in the audit results; or

(2) Any other arranging service described in the State Plan that provides a similar or greater level of service as that described in paragraph (b)(1) of this section.

(c) Require each covered utility and participating home heating supplier to provide such arrangement service within a reasonable period of time, which shall be specified in the State Plan, from receipt of a request for such service;

(d) Prohibit each covered utility and participating home heating supplier, when arranging installation of program measures, from recommending, selecting, or providing information regarding any supplier or contractor if such recommendation, selection, or information would unfairly discriminate among suppliers and contractors of program measures. The State Plan may allow covered utilities or participating home heating suppliers that supply or install program measures to so inform the customer;

(e) Prohibit each covered utility and participating home heating supplier, when arranging installation of program measures, from discriminating unfairly among eligible customers, among suppliers, among contractors, or among program measures; and

(f) Prohibit each covered utility and participating home heating supplier from arranging installation of any program measure with any person not in the Master Record.

(g) Prohibit each covered utility and participating home heating supplier from arranging in conjunction with the RCS Program installation of any measure that is not a program or State measure.

#### § 456.309 Arranging Financing.

The State Plan shall:

(a) Require each covered utility and participating home heating supplier to arrange financing for the supply and installation of any program measure upon request by any eligible customer;

(b) Describe these arrangement services which shall, at a minimum, include a service to the eligible customer in addition to any other service or benefit required by §§ 456.305 and 456.312(c). This service shall not be accomplished by merely providing customers with information on how to shop for a loan but shall consist of a service to the customer which directly assists such customer in obtaining a loan from an individual lender;

(c) Require each covered utility and participating home heating supplier to provide such arrangement service within a reasonable period of time, which shall

be specified in the State Plan, from receipt of a request for such service;

(d) Prohibit each covered utility and participating home heating supplier, when arranging financing for the purchase or installation of program measures, from recommending, selecting, or providing information regarding any lender if such recommendation, selection, or information would unfairly discriminate among lenders that finance the purchase or installation of program measures. The State Plan may allow covered utilities or participating home heating suppliers that finance program measures to so inform the customer;

(e) Prohibit each covered utility and participating home heating supplier, when arranging financing of program measures, from discriminating unfairly among eligible customers, among suppliers, among contractors, among lenders, or among program measures; and

(f) Prohibit each covered utility and participating home heating supplier from arranging financing for the supply or installation of program measures with any lenders not in the Master Record.

(g) Prohibit each covered utility and participating home heating supplier from arranging financing in conjunction with the RCS Program for the supply or installation of any measure that is not a program or State measure.

#### § 456.310 Accounting and payment of costs.

(a) *Accounting.* The State Plan shall require, and may permit with respect to costs of revenues directly associated with State measures, that covered utilities use the following accounts and procedures:

(1) All amounts expended or received by a covered utility which are attributable to the Residential Conservation Service Program, including any penalties paid under Subpart F (Federal Standby Authority) shall be accounted for on the books and records separately from amounts attributable to all other activities of the covered utility.

(2) Covered utilities subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) shall utilize the Uniform System of Accounts as prescribed in Title 18, CFR Parts 101, 104, 201 and 204. Covered rural electric cooperatives shall utilize the Uniform System of Accounts as prescribed by the Rural Electrification Administration (REA) in Title 7, CFR Part 1701, Appendix A. Other covered nonregulated utilities shall adopt accounts within their accounting system with the attributes of the appropriate accounts prescribed by the FERC.

(i) All amounts expended by a covered utility for the Residential Conservation Service Program shall be charged to subaccounts within Account 908, Customer Assistance Expenses, its equivalent or successor, or the appropriate account designated specifically by FERC or REA for Residential Conservation Service Program expenses. Appropriate records shall be maintained thereunder so as to allow ready identification of costs attributable to the following program elements:

- (A) Program Information; and
- (B) Program Audit;

(ii) Billed income attributable to the Residential Conservation Service Program shall be accounted for in subaccounts within Account 456, Other Electric Revenue (for electric utilities) or Account 495, Other Gas Revenues (for gas utilities), their equivalents or successors, or the appropriate account designated specifically by FERC or REA for Residential Conservation Service Program billed income.

(b) *Payment of Costs.* The State Plan shall require that covered utilities treat costs as described below and shall describe how the costs described in paragraph (b) (3)-(5) of this section will be treated.

(1) All amounts expended by a covered utility for the Program Announcement and all public education and program promotion directly related to providing information about a utility's Residential Conservation Service Program shall be treated as a current expense of providing utility service and be charged to all ratepayers of the covered utility in the same manner as other current operating expenses of providing such utility service.

(2) All amounts expended by a covered utility for labor and materials in connection with the purchase or installation of any energy conservation or renewable resource measure shall be charged to the residential customer for whom such activity is performed. (Interest expenses associated with utility loans are to be treated in accordance with paragraph (b)(5) of this section.)

(3) The following program elements are to be treated as a current operating expense consistent with paragraph (1) or be charged to the eligible customer, consistent with paragraph (2), or any combination thereof. This determination shall be made by the State regulatory authority for all regulated utilities covered by the State Plan and individually by each nonregulated utility covered by the State Plan. The costs include:

(i) Administrative and general expenses, including those associated with program audits, list distribution, customer billing services, and "arranging." These administrative costs may include any costs the utility incurs if it conducts random post-installation inspections required by § 456.313(b) and conciliation conferences required by § 456.315(a);

(ii) Project manager requirements, including:

- (A) Program audits;
- (B) Arranging for a lender to make a loan to an eligible customer to finance the purchase and installation costs of energy conservation and renewable resource measures, including the costs of arranging repayment of the principal and interest of a loan as part of the periodic bill; and
- (C) Arranging to have the program measures installed.

(4) Costs incurred by a covered utility for services carried out by such utility on behalf of the State may be reimbursed by the State.

(5) The interest cost on a loan made by a covered utility to an eligible customer and costs, other than those in paragraph (b) (1), (2), or (3), of this section, associated with the covered utility's Residential Conservation Service Program, shall be charged to the eligible customer for whom such activity is performed. *Exception.* These items may be treated as a current expense consistent with paragraph (b)(1) of this section if the State regulatory authority, or the nonregulated utility, as appropriate, finds, after public notice and opportunity for public hearing, that the expensing of these costs is likely to result (by reason of reduction in demand for energy) in lower rates for its ratepayers than would occur if the covered utility did not treat such costs as a current expense.

(c) *Duplication of Audits.* In areas where a residential customer is an eligible customer of more than one covered utility, the State regulatory authority or the covered nonregulated utility, as appropriate, may condition the whole or partial expensing of program audits, in accordance with paragraph (b)(3) of this section, upon the establishment of procedures to ensure that each eligible customer may receive only one free or subsidized audit.

#### § 456.311 Customer Billing, Repayment of Loans, and Termination of Service.

The State Plan shall require that:

##### (a) *Customer Billing.*

(1) Every charge to a customer for any portion of the costs of carrying out any activity pursuant to the State Plan or for repayment of a loan made under the

Residential Conservation Service Program, shall be listed individually on a bill and the customer shall be permitted to include such payment in his payment for utility or fuel service; and

(2) When any portion of the costs of carrying out any activity pursuant to the State Plan are included in a payment for utility or fuel service, or when repaying a loan made under the RCS Program in a payment for utility or fuel service, payments received for such bill shall be first charged to pay for the purchase of utility or fuel service and only the excess shall be credited to charges for the other costs or repayments, unless the eligible customer requests an alternative distribution of payments.

##### (b) *Repayment of Loans.*

(1) In the case of any loan made by a covered utility or a participating home heating supplier under the Residential Conservation Service Program, the covered utility or participating home heating supplier shall permit the eligible customer to include repayment of that loan in such customer's payment of his periodic utility or fuel bill over a period of not less than three years, unless the eligible customer chooses a shorter repayment period. A covered utility or participating home heating supplier shall not be required to provide for monthly payments of less than five dollars.

(2) Under the circumstances described in the State Plan pursuant to § 456.305, an eligible customer shall be permitted to include repayment of a loan by a lender other than the covered utility or the participating home heating supplier, in such customer's periodic payment of his utility or fuel bill, if the lender agrees to repayment in such manner.

(3) In the case of any loan for purchase and installation of program measures made by a covered utility or a participating home heating supplier under the Residential Conservation Service Program, or, under the circumstances described in the State Plan pursuant to § 456.305, by a lender other than a covered utility or participating home heating supplier:

(i) A lump-sum payment of outstanding principal and interest may be required by the lender upon default (as determined under applicable law) in payment by the eligible customer; and

(ii) No penalty shall be imposed by the lender for payment of all or any portion of the outstanding loan amount prior to the date such payment would otherwise be due.

(c) *Termination of Service.* No covered utility or participating home heating supplier shall terminate or otherwise restrict utility or fuel service to any customer for any default by such customer for payments due for any



services under the Residential Conservation Service Program.

**§ 456.312 Lists of suppliers, contractors, and lenders.**

(a) *Master Record.* The State Plan shall contain procedures for the preparation of a Master Record of all suppliers, contractors, and lenders who sell, install, or finance program measures in the State and who wish to be included in the lists distributed pursuant to paragraph (c) of this section. These procedures shall, at a minimum:

(1) Identify the entity(ies), hereinafter referred to as the "Listing Agency," which shall be responsible for the preparation and maintenance of the Master Record. The Listing Agency shall not be a regulated utility. The Listing Agency may assign duties to another person for the purpose of aiding in the compilation of the Master Record but the Governor, and no other person, shall be responsible for developing the criteria for inclusion in and delisting from the Master Record as well as the ultimate responsibility for the Master Record. No duties incident to the compilation of the Master Record of suppliers shall be assigned to a person that supplies program or State measures. No duties incident to the compilation of the Master Record of contractors shall be assigned to a person that installs program or State measures. No duties incident to compilation of the Master Record of lenders shall be assigned to a person that finances the sale or installation of program or State measures.

(2) Ensure that a reasonable attempt is made to inform all suppliers, contractors, and lenders who sell, install or finance program measures in the State of the pending compilation of the Master Record, and provide such suppliers, contractors, and lenders an opportunity through effective notice to apply for inclusion in the Master Record. At a minimum, the following methods of notice shall be used:

(i) Publication in newspapers of general circulation in the State; and  
(ii) Direct notification of appropriate trade associations.

(3) Ensure that all persons who agree to comply with the requirements of paragraph (b) (unless on the basis of past experience, the Governor determines that such person's agreement is not adequate assurance of compliance with the requirements of paragraph (b)), and only such persons, are included in the initial Master Record, and thereafter in the existing Master Record within a reasonable time after applying for inclusion.

(4) Ensure that all persons in the Master Record who fail to comply with the requirements of paragraph (b) are removed from the Master Record. The State Plan shall establish the criteria by which such failure shall be grounds for removal from the Master Record. Removal procedures shall ensure that:

(i) Each person proposed for such removal shall have:

(A) Written notice of the proposed removal and the grounds for such removal at least 30 days before the actual removal;

(B) An opportunity to respond in writing to the allegations contained in the notice described in paragraph (a)(4)(i)(A) of this section, with at least 30 days notice; and

(C) With respect to installers, access to the records of the Listing Agency regarding the inspections of the work of such installer.

(ii) Each person removed from the Master Record shall have an opportunity to file a complaint through and participate in, the redress proceeding and civil action described in § 456.315 for the purpose of contesting such removal.

(5) Ensure that all persons deleted from the Master Record have an opportunity to be included anew in the Master Record under criteria established by the Governor.

(6) Ensure that the name and address of any supplier, installer or lender who has been added to or deleted from the Master Record is forwarded to the appropriate covered utilities or home heating suppliers within 30 days of such addition or deletion.

(b) *Requirements for Inclusion in the Master Record.*

(1) The State Plan shall require that, when installing program measures under the circumstances described by the State Plan pursuant to § 456.305, all installation contractors included in the Master Record shall:

(i) Comply with any applicable installation standards found in Subparts G and I of this part and, with respect to materials for which there is an applicable standard in Subpart G or H, install only materials labeled as complying with DOE standards;

(ii) Install only measures covered by the measures warranty defined in § 456.105(j), except that no measures warranty is necessary for caulking and weatherstripping;

(iii) Furnish the customer with a written contract detailing the job to be performed and its cost, and certifying that any applicable State Plan requirements for installation and material standards will be complied with;

(iv) Assure that all individuals who are employed or otherwise retained by the contractor to install flue opening modifications, electrical or mechanical ignition systems, or wind energy devices have been qualified pursuant to the applicable provisions of § 456.314;

(v) Include in every contract a guarantee that the contractor will correct any violation of any installation standards in Subparts G or I of this part without cost to the customer;

(vi) Include in every contract for installation of a flue opening modification, electrical or mechanical ignition devices, or wind energy devices a guarantee to correct any violation of the standards in Subparts G-I of this part, without cost to the customer, as soon as possible after notification of any such violation by an inspector pursuant to § 456.313;

(vii) Have a binding surety contract sufficient in the judgment of the Governor to indemnify itself against possible liability arising from installation of program measures;

(viii) Comply with all applicable Federal, State and local laws and regulations; and

(ix) Agree to participate in good faith in the conciliation conference described in § 456.315(a) when there is a complaint by an eligible customer against such person.

(2) The State Plan shall require that, when supplying program measures under the circumstances described by the State Plan pursuant to § 456.305, all suppliers included in the Master Record shall:

(i) With respect to the program measures the supplier is listed as carrying, supply program measures that carry the measures warranty defined in § 456.105(j), except that no measures warranty is necessary for caulking and weatherstripping;

(ii) With respect to the program measures the supplier is listed as carrying, if there is any applicable standard found in Subparts G or H of this part, supply program measures that are labeled as complying with DOE standards;

(iii) Comply with all applicable Federal, State and local laws and regulations;

(iv) Have a method for informing customers of those products supplied by the supplier that are program measures, that have a measures warranty (except for caulking and weatherstripping), and that meet any applicable standard in Subparts G or H (as determined from a label stating that the product meets DOE standards); and

(v) Agree to participate in good faith in the conciliation conference described

in § 456.315(a) when there is a complaint by an eligible customer against such person.

(3) The State Plan shall require that, when financing the sale or installation of program measures under the circumstances described by the State Plan pursuant to § 456.305, all lenders included in the Master Record shall:

(i) Not take security in real property that is used as the principal residence of the eligible customer, unless the eligible customer acknowledges in writing that he or she is aware of the consequences of default on the loan;

(ii) Permit a rebate of unearned finance charges if an eligible customer prepays a loan (either voluntarily or as a result of default). Where prepayment is the result of default, the rebate shall be computed from the day of acceleration;

(iii) Comply with all applicable Federal, State and local laws and regulations; and

(iv) Agree to participate in good faith in the conciliation conference described in § 456.315(a) when there is a complaint by an eligible customer against such person.

(4) The State Plan may include additional requirements if the Assistant Secretary determines that such requirements are fair, nondiscriminatory, and do not adversely affect competition or the RCS Program.

(c) *Lists Distributed to Eligible Customers.* The State Plan shall require that every covered utility and participating home heating supplier provide, upon request to every eligible customer, lists of all suppliers, contractors, and lenders included in the Master Record who sell, install or finance program measures in their service area or such other reasonable area required by the State Plan.

(1) The State Plan shall require that these lists contain the following information in a fair, open, and nondiscriminatory manner.

(i) The name and address of each such supplier, contractor, and lender; and

(ii) An indication of which program measures such supplier, contractor, or lender will supply, install, or finance.

(2) The State Plan may require or allow the lists to indicate which type of a program measure a supplier or contractor sells or installs but shall not permit the inclusion of brand names. If the lists include information regarding types of program measures for one type of a program measure, then it shall include such information for all types of such measure. For example, if the lists indicate who sells wooden storm windows, then they must also indicate who sells aluminum or vinyl storm windows.

(3) The State Plan shall require that these lists include in a clear and conspicuous manner the following information:

(i) A statement that the persons listed have agreed to comply with any applicable DOE standards and State Plan procedures for the sale, installation, or financing of program measures under the circumstances described in the State Plan pursuant to § 456.305;

(ii) A description of the circumstances under which such standards shall be met and such procedures shall be followed;

(iii) A description of the complaints processing procedures required by § 456.315, including an explanation of who may have access to such procedures; and

(iv) An invitation to all suppliers, contractors, and lenders not included on the lists to apply for inclusion.

(4) The State Plan may require or permit additional information to be included on the lists if the Assistant Secretary determines that it is fair, nondiscriminatory and does not adversely affect competition or the RCS Program.

(5) The State Plan shall contain procedures to ensure that these lists are updated for distribution to eligible customers at least every 30 days to reflect the additions and deletions received pursuant to paragraph (a)(6).

#### § 456.313 Post-Installation Inspection.

(a) *Mandatory Inspection of All Flue Opening Modifications, Electrical or Mechanical Ignition Systems, and Wind Energy Devices.* The State Plan shall provide procedures for performing post-installation inspections of all flue opening modifications, electrical or mechanical ignition systems, and wind energy devices installed under the circumstances described in the State Plan pursuant to § 456.305. These procedures shall, at a minimum, assure:

(1) That such inspection occur within one week of the installation;

(2) That the inspector performing these inspections:

(i) Meets the applicable qualifications of § 456.314; and

(ii) Has no financial interest in the contractor who installed the measure unless such contractor is a covered utility or participating home heating supplier;

(3) That such inspection examines compliance with the applicable installation standards found in Subparts G or I of this part; and

(4) That the results of such inspections are reported to:

(i) The customer, as soon as possible;

(ii) The installer, as soon as possible; and

(iii) The Listing Agency, within a reasonable time.

(b) *Random Inspection.* The State Plan shall:

(1) Provide procedures to assure the following inspections with respect to program measures installed under the circumstances described in the State Plan pursuant to § 456.305:

(i) Four of the first ten installations by each contractor of:

(A) Ceiling insulation;

(B) Floor insulation;

(C) Wall insulation;

(D) Active solar water heating; and

(E) Active solar space heating.

(ii) Ten percent of all installations of each program measure listed in paragraph (b)(1)(i) of this section. In fulfilling this requirement, the inspections made pursuant to paragraph (b)(1)(i) of this section may be included in the ten percent calculation. The inspections required by this subparagraph may be reduced in number at such time as the Governor demonstrates to the Assistant Secretary that a ten percent inspection is unnecessary to ensure safe and effective installation of these measures under the Program;

(iii) At least one inspection during the life of the Residential Conservation Service Program of the work of every contractor that makes an installation, under the circumstances described in the State Plan pursuant to § 456.305, for which there is an installation standard in Subpart G or I; and

(iv) An additional inspection of each contractor inspected pursuant to subparagraph (iii) who has been found through such inspection to have violated any applicable standard of Subparts G or I.

(2) Provide procedures to assure that the inspector performing these inspections:

(i) Meets the applicable qualifications of § 456.314; and

(ii) Has no financial interest in the contractor who installed the measures.

(3) Provide procedures to assure that such inspection examines compliance with any applicable installation standards found in Subparts G or I of this part.

(4) Provide procedures to assure that the results of such inspections are reported within a reasonable time to:

(i) The customer;

(ii) The installer; and

(iii) The Listing Agency.

(c) The State Plan shall identify the person(s) or agency(ies) responsible for administering the procedures for post-

installation inspections. Such person(s) or agency(ies) may be the Listing Agency.

**§ 456.314 Qualification procedures for auditors, installers and inspectors.**

(a) *Auditor Qualification Requirements.* The State Plan shall contain procedures to assure that the person or persons conducting an audit pursuant to the requirements of § 456.307 shall individually or collectively have the following qualifications:

- (1) A general understanding of the three types of heat transfer and the effects of temperature and humidity on heat transfer;
- (2) A general understanding of residential construction terminology and components;
- (3) A general knowledge of the operation of the heating and cooling systems used in the residential building;
- (4) A general knowledge of the different types of each applicable program and State measure; of the advantages, disadvantages and applications of each; and of any installation standards in Subparts G or I which apply to those measures or types;
- (5) The capability to conduct the audit as required in § 456.307, including:
  - (i) A familiarity with the energy conserving practices required to be audited for;
  - (ii) The capability to determine the applicability of the program and any State measures; and
  - (iii) A proficiency in the pertinent auditing procedures, as prescribed in or pursuant to the State Plan, for each applicable program and State measure.

(6) Where a furnace efficiency modification is an applicable program measure, and the source of fuel for the existing furnace or boiler is either gas or oil, a working ability to calculate the steady state efficiency of the furnace or boiler as required by § 456.307(b)(7);

(7) Where a renewable resource measure, other than wind energy devices, is an applicable program or State measure, an understanding of the nature of solar energy and its residential applications, including:

- (i) Insulation;
- (ii) Shading;
- (iii) Heat capture and transport; and
- (iv) Where appropriate, heat transfer for hot water and space heating.

(8) Where a wind energy device is an applicable program or State measure, an understanding of the nature of wind energy and its residential applications, including:

- (i) Wind availability;
- (ii) Effects of obstructions;
- (iii) Wind capture;

(iv) Power generation; and  
(v) Interfaces with residential and utility power lines.

(b) *Installers and Inspectors of Flue Opening Modifications in Gas-Fired Furnaces.* [Reserved]

(c) *Installers and Inspectors of Electrical and Mechanical Ignition Systems.* [Reserved]

(d) *Installers and Inspectors of Wind Energy Devices.* [Reserved]

(e) *Quality Examiner.* The State Plan shall contain procedures to assure that those persons who will conduct the random inspections required by § 456.313 are familiar with any installation standards contained in Subparts G and I pertinent to the installations they are inspecting and are able to examine compliance of such installations with the applicable installation standards.

(f) *Assuring Individuals' Qualifications.* The State Plan shall contain a description of the method or methods by which individuals will be qualified to meet the requirements of paragraphs (a)–(e) of this section. The methods shall consist of one or more of the following:

- (1) Training designed to instruct the individuals in the proper performance of their function(s);
- (2) Tests designed to assess and certify the individuals' qualifications to perform their functions. Such tests may include either written or practical tests as determined necessary to meet the requirements of this section;
- (3) Any other methods that assure that individuals identified in this section meet the appropriate qualifications prescribed in this section.

(g) *Additional Requirements with Respect to Qualifying Procedures.* The State Plan shall:

- (1) Contain procedures which assure that persons are permitted, in a nondiscriminatory manner, to participate in the qualification procedures and describe how this will be done; and
- (2) Identify the timetable for initial implementation of the qualification procedures and for subsequent implementation of such procedures. Such timetable shall, at a minimum, provide for initial implementation no later than ninety (90) days following the approval of the State Plan.

**§ 456.315 Complaints processing procedures.**

The State Plan shall contain procedures for resolving complaints which must include the following methods of complaint resolution:

(a) *Conciliation Conference for Customer Complaints.* A conciliation

conference shall be made available for the purpose of resolving complaints by eligible customers against persons who sell, install or finance the sale or installation of program measures under the circumstances described in the State Plan pursuant to § 456.305.

(1) The procedures described in the State Plan for conciliation conferences shall ensure that:

(i) Participation in the conciliation conference is free of cost and easily accessible to the eligible customer making the complaint;

(ii) Participation in the conciliation conference by the eligible customer making the complaint is voluntary; and

(iii) The conciliation conference is conducted by an impartial conciliator who has no financial interest in any party involved in the complaint or in the outcome of the proceeding.

(2) The State Plan may permit the conciliation conference to be conducted by telephone.

(3) The State Plan shall identify the person(s) or agency(ies) responsible for administering the procedures for the conciliation conference.

(b) *Redress Proceeding.* A redress proceeding shall be made available to all persons alleging injury arising from an activity carried out under the State Plan or from a violation of the State Plan.

(1) The procedures described in the State Plan for redress proceeding shall ensure that:

(i) The redress proceeding is easily accessible to all persons alleging an injury under the Program or from a violation of the State Plan;

(ii) The redress proceeding is available to an eligible customer whether or not the eligible customer has participated in the conciliation conference described in paragraph (a) of this section;

(iii) All persons who have a substantial interest in the outcome of a redress proceeding are given timely and adequate notice of the proceeding and have an opportunity to participate in the proceeding;

(iv) The cost of access to and participation in the redress proceeding is kept at a minimum;

(v) The redress proceeding is held within a reasonable time after the initial complaint has been filed;

(vi) The redress proceeding is held before an impartial deciding official who as no financial interest in any party to the complaint or in the outcome of the proceeding;

(vii) Formal rules of evidence are not required;

(viii) The deciding official delivers a written decision and a brief statement of

reasons for coming to the decision within a reasonable time after the date of the proceeding;

(ix) The decision is enforceable under State law; and

(x) The decision and statement of reasons is sent to the Lead Agency within a reasonable time.

(2) The State Plan shall identify the person(s) or agency(ies) responsible for administering the procedures for the redress proceeding. Such person(s) or agency(ies) may be a State court if the requirements of this subsection are met.

(3) The Assistant Secretary may waive any of the requirements of this subsection upon a showing in the State Plan that an adequate and substantially equivalent State procedure exists which conflicts with one or more of the requirements of this subsection.

(c) *Civil Action.* A right of action in a State Court shall be made available for persons seeking recovery of damages for an injury arising from an activity carried out under the State Plan or from a violation of the State Plan. The State Plan shall cite the existing or proposed State law which gives a State court or courts jurisdiction over such civil actions.

#### § 456.316 Coordination.

(a) *Other Programs.* The State Plan shall provide procedures to ensure effective coordination between its Residential Conservation Service Program as described in the State Plan and all local, State, and Federal energy conservation programs within and affecting the State which shall include, but not be limited to:

- (1) Federal Energy Extension Service;
- (2) Basic State Energy Conservation Program of the Department of Energy;
- (3) Supplemental State Energy Conservation Program of the Department of Energy; and
- (4) Weatherization Assistance Program for Low Income Persons.

(b) *Energy Suppliers.* If the State Plan permits coordination of Residential Conservation Service Programs among energy suppliers in the State then it shall provide procedures describing how such coordination may occur and ensuring that no collusion on prices charged to eligible customers will occur.

(c) *State Regulatory Authority.* If the Lead Agency is not the State regulatory authority, then the State Plan shall describe how the Lead Agency shall coordinate the implementation of the State Plan with the State regulatory authority.

#### § 456.317 Home heating suppliers.

(a) *Consideration of Limited Resources.* If a State Plan covers home

heating suppliers, it shall, within the terms of the requirements of this Subpart, take into account the limited resources of small home heating suppliers.

(b) *Participation and Withdrawal.* The State Plan, if it includes home heating suppliers, shall include a procedure by which the Governor shall allow a home heating supplier to participate in its Residential Conservation Service Program. The State Plan shall also provide for the voluntary withdrawal of participating home heating suppliers from its Residential Conservation Service Program.

(c) *Waiver of Requirements.* The State Plan shall contain a procedure by which the Governor may waive for any participating home heating supplier any requirement of the State Plan, except those listed below, upon a demonstration to the Governor's satisfaction that the resources of such supplier do not enable it to comply with the particular requirement. The requirements which the Governor shall not waive with respect to any home heating supplier who chooses to participate in the program are those established according to:

(1) Section 456.303 (Procedures for Investigating and Enforcing Compliance with the State Plan);

(2) Section 456.305 (Scope of Benefits), in that any benefit to which any eligible customer is entitled by receiving a service from a covered utility must also be available to any eligible customer who receives the same service from a participating home heating supplier;

(3) Section 456.306(d) (Calculation Procedures for the Program Announcement), if the participating home heating supplier provides a Program Announcement to its eligible customers;

(4) Sections 456.307(b) (3)-(7) (Accuracy of Auditing Procedures), for those measures for which a participating home heating supplier performs program audits for its eligible customers;

(5) Section 456.307(g) (Qualifications for Program Auditors);

(6) Those sections which prohibit anticompetitive activities or unfair discrimination by covered utilities or participating home heating suppliers, which are:

(i) Sections 456.306(a) (10) and (11) (Information Prohibited from the Program Announcement);

(ii) Section 456.307(a)(3) (Discrimination Among Customers in Providing Energy Audits);

(iii) Section 456.307(e) (Prohibitions and Disclosure in Auditing);

(iv) Section 456.307(f) (Furnace Audits);

(v) Section 456.308(e) (Prohibitions of Discrimination in Arranging Installation);

(vi) Section 456.309(e) (Prohibitions of Discrimination in Arranging Financing);

(vii) Sections 456.312(c) (1)-(4) (Content of Lists).

(7) The following reporting and recordkeeping requirements:

(i) Section 456.318(a)(1);

(ii) Section 456.318(a)(5), except that the Governor may waive § 456.318(a)(5)(v) concerning the accounting of program costs; and

(iii) Section 456.318(b) (Recordkeeping).

#### § 456.318 Reporting and recordkeeping.

(a) *Reporting.* The State Plan shall contain provisions to assure that a report is submitted to the Assistant Secretary on July 1, 1981 and annually thereafter through July 1, 1986. The report shall contain the following information for the twelve-month period ending the preceding April 1, except that the Assistant Secretary may waive any of the reporting requirements, in approving the State Plan, for good cause.

(1) Any revision to the list of covered utilities and a list of participating home heating suppliers subject to the State Plan;

(2) A list of covered utilities subject to the State Plan engaged in supplying, installing, or financing energy conservation or renewable resource measures pursuant to § 456.503 (Exception for Certain Measures and Small Loans) of these rules, and a brief description with respect to each utility of the nature of the exempted activity in which it is engaged;

(3) A list of covered utilities subject to the State Plan engaged in supplying, installing, or financing energy conservation or renewable resource measures pursuant to § 456.504 (Exception for Existing Supply, Installation and Financing) and a brief description with respect to each utility of the nature of the exempted activity in which it is engaged;

(4) A list of all covered utilities subject to the State Plan which are engaged in supplying, installing, or financing energy conservation or renewable resource measures pursuant to a waiver granted under § 456.505 (Waivers), or which are petitioning for such a waiver;

(5) For each covered utility or participating home heating supplier:

(i) The approximate number of eligible customers and, if available, the percentage of those customers for whom

the utility or heating supplier is the primary heating fuel supplier;

(ii) A copy of the Program Announcement distributed to eligible customers;

(iii) The number of eligible customers who have requested each service and the number of requests the utility or participating home heating supplier has fulfilled, including:

(A) The number of program audits performed;

(B) The number of installations arranged by the covered utility or participating home heating supplier;

(C) The number of loans arranged by the covered utility or participating home heating supplier;

(D) The number of customers, if any, who are using the utility's billing service for repayment of loans;

(E) The number of installations, if any, of program measures which the covered utility or participating home heating supplier supplied, installed, or financed;

(iv) The number and function of people assigned to the covered utility's or participating home heating supplier's program, including part-time employees; and

(v) The costs incurred by the utility or home heating supplier in providing each service under the Residential Conservation Service Program including separately those costs paid by individual customers for services received and those costs paid by all ratepayers.

(6) The number and nature of complaints by eligible customers against suppliers, contractors, and lenders which have been handled through the conciliation conference established under § 456.315(a);

(7) The number of persons seeking redress through the procedures described in § 456.315(b), and the nature of their allegations;

(8) A brief description of the status of activities carried out pursuant to § 456.314 (Qualification Procedures for Auditors, Installers and Inspectors) including whether sufficient qualified personnel are available for program needs, the reasons for any shortages and the proposed resolution of any such shortage problem;

(9) The number of persons added to or removed from the Master Record established according to § 456.312, and the reasons for removal of persons;

(10) The number and results of post-installation inspections conducted according to § 456.313;

(11) The number and function of State employees assigned to the Residential Conservation Service Program, including part-time employees;

(12) The cost to the State of developing and implementing the State Plan; and

(13) A citation to and brief description of any State or local law or regulation relevant to the State Plan and the status of any proposed State or local legislation or regulation relevant to the State Plan.

(b) *Recordkeeping.* The State Plan shall contain procedures to assure that the following records are kept for the periods indicated and made available to the Assistant Secretary upon request, except that the Assistant Secretary may for good cause waive any of the record-keeping requirements in approving the State Plan.

(1) The name and address of each eligible customer who receives a program audit, which shall be kept for five years from the date of such program audit;

(2) A copy of the data collected during the audit, and a copy of the estimates of costs and savings presented to the customer, which shall be kept for five years from the date of such program audit;

(3) A copy of all requests furnished by eligible customers for furnace audits pursuant to § 456.307(f), which shall be kept for five years from the date of such request;

(4) The name and address of each eligible customer for whom a covered utility or participating home heating supplier arranges installation or financing of a program measure, which shall be kept for five years from the date of such arrangement;

(5) The amount and cost of fuel purchased each month or other billing period for the twelve months prior to and the twelve months following each program audit for each eligible customer, which shall be kept for two years from the date of such program audit; and

(6) The names of the individuals who have met the qualification criteria described in § 456.314. These records shall be:

(i) Updated within a reasonable period of time following each implementation of the qualification procedures, and

(ii) Maintained separately for installers and inspectors of flue opening modifications, electrical or mechanical ignition devices and wind energy devices.

#### § 456.319 State measures.

(a) The State may require or allow covered utilities or participating home heating suppliers to offer services for State measures in conjunction with the RCS Program subject to the approval of

the Assistant Secretary in the State Plan.

(b) The Assistant Secretary may approve a State measure to be offered in conjunction with the RCS Program if:

(1) The measure is an energy conservation measure;

(2) The measure is a renewable resource measure; or

(3) The State Plan contains the following:

(i) Information demonstrating that the measure effectively saves oil, oil and gas, or nonrenewable energy sources, and does not increase the consumption of oil;

(ii) A method for adequately ensuring safe installation and use of such measure;

(iii) Adequate assurances that offering such measure in conjunction with the RCS Program will not adversely affect the environment, competition or the RCS Program in the State and will not increase the cost to an eligible customer of a program audit under the RCS Program; and

(iv) An adequate analysis of the effects on the environment of offering the State measures in conjunction with the RCS Program.

(c) The State Plan shall describe how the State measures are to be offered in conjunction with the RCS Program.

(d) The State Plan shall describe what action, if any, by an eligible customer shall entitle such customer to the benefits listed in § 456.305(a) with respect to State measures, and under what circumstances other benefits, if any, will be provided to eligible customers with respect to State measures.

(e) The State Plan shall require that if a covered utility or participating home heating supplier arranges the installation or financing of any State measure in an eligible customer's residence, the benefits listed in § 456.305(a) shall be available to such eligible customer and the provisions of §§ 456.308 and 456.309 shall apply in the same manner as they apply for program measures.

(f) If the State Plan contains procedures for including the names of persons who supply, install or finance the sale or installation of State measures on the lists distributed pursuant to the RCS Program, the requirements of § 456.312 shall apply to State measures in the same manner as they apply to program measures.

(g) The State Plan shall require that an explanation of any differences between the benefits or protections connected with State measures and the benefits or protections connected with program measures, be clearly stated in the



Program Announcement, during the audit, and on any lists of names of persons who supply, install or finance the sale or installation of State measures that are included with the lists distributed pursuant to the RCS Program.

#### Subpart D—Nonregulated Utility Plans

##### § 456.401 Scope.

This Subpart identifies the responsibilities of covered nonregulated utilities not subject to a State Plan for the preparation and submission of Nonregulated Utility Plans, the procedures for approval of Nonregulated Utility Plans by the Assistant Secretary, and the minimum requirements for the content of Nonregulated Utility Plans.

##### § 456.402 Coverage.

This Subpart shall apply to all nonregulated covered utilities which are not covered by a State Plan.

##### § 456.403 Initial submission.

Each utility subject to this Subpart shall notify the Assistant Secretary, within 60 days after the effective date of these rules, of the person responsible for the preparation of its Nonregulated Utility Plan.

##### § 456.404 Coordination requirements.

Each utility subject to this Subpart shall, to the extent feasible, coordinate the preparation of its Nonregulated Utility Plan for the preparation of the applicable State Plan for the purpose of minimizing inconsistent provisions between the two plans.

##### § 456.405 Notice, comment, and public hearing.

Prior to submission of the Nonregulated Utility Plan to the Assistant Secretary for approval, the nonregulated utility shall:

(a) *Notice and Comment.* Provide meaningful public notice of the requirement for the nonregulated utility to submit a Nonregulated Utility Plan. To be meaningful, this notice shall, at a minimum:

(1) Appear in newspapers of general circulation published in the nonregulated utility's service area;

(2) Indicate where a copy of the proposed Nonregulated Utility Plan can be obtained and where questions concerning the Plan can be answered;

(3) Indicate the date, time, and location of each public hearing to be held pursuant to § 456.405(b) with at least 30 days notice; and

(4) Invite public comments on the content of the proposed Nonregulated Utility Plan, at least 30 days prior to the final date for receiving such comments.

(b) *Hearing.* Hold at least one public hearing in the nonregulated utility's service area for the purpose of hearing testimony and receiving comments on the content of the proposed Nonregulated Utility Plan.

##### § 456.406 Procedures for submission and approval of nonregulated utility plans.

(a) *Submission.* Each utility subject to this Subpart shall submit to the Assistant Secretary within 180 days of the effective date of these rules a proposed Nonregulated Utility Plan. The time for submission may be extended by the Assistant Secretary if:

(1) The nonregulated utility requests an extension at least 10 days prior to the formal deadline; and

(2) Good cause is shown for allowing an extension.

(b) *Approval.* (1) If a proposed Nonregulated Utility Plan meets the criteria of this Subpart, the Assistant Secretary shall approve it within 90 days of the date the proposed Nonregulated Utility Plan was submitted.

(2) Within 210 days after the approval of the Nonregulated Utility Plan, the nonregulated utility shall provide to the Assistant Secretary a statement certifying whether or not it is in compliance with its Nonregulated Utility Plan.

(c) *Disapproval.* (1) If a Nonregulated Utility Plan does not meet the criteria of this Subpart, the Assistant Secretary shall, within 90 days of the date the proposed Nonregulated Utility Plan was submitted, disapprove the proposed Nonregulated Utility Plan and specify in writing the grounds for disapproval.

(2) Within 60 days of the date of disapproval of a proposed Nonregulated Utility Plan, or such longer period as the Assistant Secretary may determine pursuant to the criteria of paragraph (a) of this section, the nonregulated utility shall submit another proposed Nonregulated Utility Plan. Except for the time in which a proposed Nonregulated Utility Plan must be submitted and the requirements for notice, comment, and a public hearing, the procedures of this Subpart for submission of the original proposed Nonregulated Utility Plan shall be applicable to the submission of any proposed Nonregulated Utility Plan submitted after initial disapproval. The Assistant Secretary may, in disapproving a plan, require that the notice, comment, and public hearing requirements be complied with prior to resubmission.

(d) *Amendments.* (1) The nonregulated utility may submit proposed amendments to an approved Nonregulated Utility Plan at any time.

(2) Except for the time in which a proposed plan must be submitted, the procedures of this Subpart for submission of the original Nonregulated Utility Plan shall be applicable to the submission of proposed amendments to an approved Nonregulated Utility Plan.

##### § 456.407 Temporary programs.

A nonregulated utility may submit a temporary program as defined in § 456.208(a) in accordance with the procedures and criteria of § 456.208. This submittal may be a part of the proposed Nonregulated Utility Plan or a separate submission.

##### § 456.408 Content of plans.

(a) *General Requirements.* (1) Except as provided in this section, each Nonregulated Utility Plan shall meet all the requirements for State Plans in Subpart C.

(2) Except as otherwise provided in this section, all references in Subpart C to:

(i) Covered utilities shall be deemed to refer to utilities subject to this Subpart;

(ii) A State Plan shall be deemed to refer to a Nonregulated Utility Plan;

(iii) Participating home heating suppliers shall not apply;

(iv) A State (as a governmental entity, other than references to State laws or regulations) or any State Agency or officer shall be deemed to refer to the nonregulated utility submitting the Plan; and

(v) A State (as a geographic area) shall be deemed to refer to the nonregulated utility's service area.

(b) *Program Announcement.* A Nonregulated Utility Plan need not contain a provision comparable to that required for State Plans in § 456.306(d)(3)(i). *Provided,* That the nonregulated utility shall coordinate with the State Lead Agency to minimize inconsistencies with respect to the estimates of costs and savings contained in Program Announcements distributed by the nonregulated utility and those distributed by utilities subject to the State Plan in the same area.

(c) *Quality Examiner Financial Interest.* Where a nonregulated utility installs program measures, the prohibition in § 456.313(b)(2)(ii) against quality examiners having any financial interest in the installing contractor shall not apply with respect to installations made by the nonregulated utility.

(d) *Complaint Processing Procedures.* The requirements of §§ 456.315(b)(1)(ix) and 456.315(c) are not applicable to Nonregulated Utility Plans.

(e) *Coordination and Home Heating Suppliers.* The requirements of

§§ 456.316(b) and (c) and 456.317 are not applicable to Nonregulated Utility Plans.

(f) *Reporting Requirements.* The requirements of §§ 456.318(a)(1)-(4) are not applicable to Nonregulated Utility Plans.

(g) *Utilizing State Services.* (1) In a State submitting a State Plan, a nonregulated utility may, by written understanding with the appropriate State agency, utilize services which have been provided for in the State Plan.

(2) If a Nonregulated Utility Plan utilizes services as permitted by this subsection, all references in the State Plan to those services with regard to utilities subject to the State Plan shall be deemed to refer to the nonregulated utility.

(3) If a Nonregulated Utility Plan uses a Master Record produced under a State Plan, the nonregulated utility may not add or delete contractors, suppliers, or lenders from that Master Record, and shall add or delete contractors, suppliers, or lenders from any list distributed only in accordance with the State Plan.

(4) If a Nonregulated Utility Plan proposes to utilize any of the services pursuant to this subsection, the Plan shall so state and copies of the written agreements with the appropriate State Agencies shall be included with the Nonregulated Utility Plan in the submission to the Assistant Secretary.

#### Subpart E—Supply, Installation, and Financing by Utilities

##### § 456.501 Scope and definitions.

(a) This Subpart contains the prohibition against a utility's supply, installation, and financing of energy conservation and renewable resource measures. It also specifies the exceptions to this prohibition and the procedures, where applicable, for obtaining those exceptions.

(b) For purposes of this Subpart:

(1) A "covered utility" means a covered utility, any company which is owned or controlled by such a utility, or any company which owns or controls such a utility.

(2) A covered utility "installs" a measure whenever the contract for installation obligates either the covered utility or any persons who have exclusive contracts with the utility to install the measure.

(3) A utility "supplies" a measure when it sells a measure at retail or leases a measure to an eligible customer.

(4) A utility "finances" the supply or installation of a measure when the loan contract names as the lender either the utility or any persons who have

exclusive contracts or agreements with the utility to make loans for the measure.

##### § 456.502 Prohibition:

(a) Except as provided in this Subpart, no covered utility may supply, install, or finance the supply or installation of any energy conservation or renewable resource measure.

(b) Notwithstanding §§ 456.503-456.506, no covered utility may supply, install, or finance the supply or installation of any energy conservation or renewable resource measure if the Assistant Secretary has determined, after notice and opportunity for public hearing, and after consultation with the Federal Trade Commission, that:

(1) Such supply, installation, or financing is being carried out by such utility at unreasonable rates or on unreasonable terms or conditions, or

(2) Such supply, installation, or financing carried out by such utility has a substantial adverse effect upon competition.

(c) Violations of this section are subject to a civil penalty of not more than \$25,000 for each day of violation assessed by order of the Assistant Secretary pursuant to Sections 216(h) and 219 of NECPA and § 456.606 of these rules.

##### § 456.503 Exception for certain measures and small loans.

(a) The prohibition in § 456.502(a) shall not apply to the supply, installation, or financing of (1) furnace efficiency modifications, (2) clock thermostats, and (3) devices associated with load management techniques.

(b) The prohibition in § 456.502(a) shall not apply to the financing of the purchase or installation of an energy conservation or renewable resource measure if the principal of such loan does not exceed \$300.

##### § 456.504 Exception for existing supply, installation, and financing.

(a) Any supply, installation, or financing of any energy conservation or renewable resource measure that the covered utility was engaged in on November 9, 1978, shall not be subject to the prohibition in § 456.502(a):

(1) Prior to thirty days after the effective date of these rules,

(2) During such time as applications for determinations with respect to such activity, filed in accordance with § 456.507, are pending, and

(3) Upon a final determination that such energy conservation or renewable resource measure was being supplied, installed, or financed on November 9, 1978 by the utility seeking the determination.

(b) Any supply, installation, or financing of any energy conservation or renewable resource measure which the covered utility had by November 9, 1978, broadly advertised that it would supply, install, or finance, or with respect to which the utility had by November 9, 1978, completed substantial preparations for supplying, installing, or financing shall not be subject to the prohibition in § 456.502(a):

(1) Prior to thirty days after the effective date of these rules,

(2) During such time as applications for determinations with respect to such activity filed in accordance with § 456.507 are pending.

(3) Upon a final determination that the utility had by November 9, 1978, either broadly advertised its supply, installation, or financing of such measures or had completed substantial preparations for its supplying, installing, or financing of such measures.

##### § 456.505 Waivers.

(a) The Assistant Secretary may waive any prohibition of § 456.502(a) upon petition by a covered utility pursuant to § 456.507 and a finding that:

(1) The petition, in the case of a covered utility subject to a State Plan, is supported by the Governor, and

(2) If such waiver were granted:

(i) Fair and reasonable prices and rates of interest would be charged, and

(ii) The otherwise prohibited activities would not involve or result in unfair methods of competition or unfair or deceptive acts or practices.

(b) Before the Assistant Secretary makes the finding described in paragraph (a)(2)(i) of this section, he or she shall consult with those staff members of the Federal Trade Commission as the Chairman of the Commission may designate.

##### § 456.506 Exception for supply, installation, and financing authorized by State or local law.

(a) The prohibition in § 456.502(a) shall not apply to any supply, installation, or financing of any energy conservation or renewable resource measure:

(1) Which a State or local law or regulation required or explicitly permitted a covered utility to engage in; or

(2) Which the Attorney General of the appropriate State certifies to the Assistant Secretary was intended by a State law or regulation in effect on November 9, 1978, to be required or permitted.

(b) A covered utility is exempted from any Federal requirement to include in its RCS Program any supply, installation, or



financing of any energy conservation or renewable resource measure in which it is engaged by reason of the exception in paragraph (a) of this section. If a covered utility includes activities in its RCS Program in which it is engaged by reason of the exception in paragraph (a), it shall be subject to all the requirements of the State Plan with respect to those activities in the same manner as any other contractor, supplier, or lender, except that it shall be exempt from the requirements of §§ 456.310 and 456.311 with respect to such activities.

**§ 456.507 Procedure for obtaining determinations and waivers.**

(a) A utility making an application for a determination under § 456.504 or a petition for a waiver under § 456.505 shall file such application or petition clearly labelled as such with the Assistant Secretary, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. All such petitions shall contain all information necessary for the determination under § 456.504 or the findings required by § 456.505.

(b) In addition to any other requirement that may be applicable, any utility making an application or petition under this section shall give direct notice to the Governor, State Energy Office, and State Regulatory Authority of any State in which such exception or waiver would be applicable, informing them that they may within ten days submit comments on the application or petition to the Assistant Secretary. The application or petition filed with the Assistant Secretary shall include a certification that the applicant or petitioner has complied with the requirements of this subsection. In the discretion of the Assistant Secretary, opportunity to comment may be provided to other interested persons.

**§ 456.508 Appeals.**

Any person adversely affected by any decision made pursuant to this Subpart by the Assistant Secretary may appeal that decision in accordance with Subpart G of part 205 of these rules. All such appeals shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

**Subpart F—Federal Standby Authority and Enforcement Provisions**

**§ 456.601 Scope.**

This Subpart specifies the procedures to be followed to ensure that eligible customers receive the services of the Residential Conservation Service Program when a State or nonregulated

utility does not submit an acceptable Residential Conservation Service Plan within the necessary time or fails to implement adequately an approved plan. These procedures are required to be implemented by the Secretary pursuant to the provisions of section 219 of NECPA. All of the Secretary's responsibilities under this Subpart, except for the authority to bring actions in any court of the United States, have been delegated to the Assistant Secretary. Section 456.602 specifies the conditions under which the Assistant Secretary shall invoke standby authority for covered regulated utilities and covered nonregulated utilities. Sections 456.603 and 456.604 specify the content of the Federal plans for States and nonregulated utilities, respectively. Section 456.605 specifies the procedures followed by the Secretary if a public utility fails to comply with a Federal standby order issued pursuant to §§ 456.603 or 456.604. Section 456.606 specifies the civil penalties which the Assistant Secretary may assess and the enforcement provisions.

**§ 456.602 Conditions under which standby authority shall be invoked.**

The Assistant Secretary shall invoke standby authority if he determines:

(a) That a State fails to submit a Residential Conservation Service Plan meeting the requirements of Subparts B and C within 270 days after the effective date of these rules or within such additional period as the Assistant Secretary allows pursuant to § 456.206 (b) or (d);

(b) That a nonregulated utility fails to submit a Residential Conservation Service Plan meeting the requirements of Subpart D within 270 days after the effective date of these rules or within such additional period as the Assistant Secretary allows pursuant to § 456.406 (a) or (c);

(c) After notice and opportunity for a public hearing, that an approved State plan is not being adequately implemented in a State; or

(d) After notice and opportunity for a public hearing, that an approved plan is not being adequately implemented by a covered nonregulated utility.

**§ 456.603 Standby authority in lieu of State plans.**

When the Assistant Secretary determines that one of the conditions specified in § 456.602 (a) or (c) exists:

(a) The Assistant Secretary shall promulgate a Residential Conservation Service Plan which meets the appropriate requirements of Subpart B and C of this part and which is

applicable to each covered regulated utility in the State;

(b) The Assistant Secretary shall, by order, require each covered regulated utility in the State to carry out a Residential Conservation Service Program, which meets the requirements of the plan promulgated pursuant to paragraph (a) of this section, within 90 days of the issuance of the order; and

(c) If the State had an approved plan which included nonregulated utilities, the Assistant Secretary shall take the actions described in §§ 456.604 (a) and (b) with respect to such nonregulated utilities.

**§ 456.604 Standby authority for nonregulated utilities.**

When the Assistant Secretary determines that one of the conditions specified § 456.602 (b) or (d) exists:

(a) The Assistant Secretary shall, by order, require the covered nonregulated utility to promulgate a plan which meets the requirements of Subpart D of this part; and

(b) The Assistant Secretary shall, by order, require such nonregulated utility to carry out a Residential Conservation Service Program, which meets the requirements of the plan promulgated pursuant to paragraph (a) of this section, within 90 days of the issuance of the order.

**§ 456.605 Failure to comply with orders.**

If the Secretary determines that any covered utility to which an order has been issued pursuant to §§ 456.603(b), 456.604(a) or § 456.604(b) has failed to comply with such order, the Secretary may file a petition in the appropriate United States district court to enjoin such utility from violating the order.

**§ 456.606 Enforcement provisions.**

(a) Any covered utility which violates any requirement of a plan promulgated under §§ 456.603(a) or 456.604(a), or which fails to comply with an order under §§ 456.603(b), 456.604(a), or § 456.604(b) within 90 days from the issuance of such order, or which violates the prohibition in § 456.502 concerning supply, installation, or financing by covered utilities, shall be subject to a civil penalty of not more than \$25,000 for each violation.

(b) Each day that such violation continues shall be considered a separate violation.

(c) A civil penalty under this section shall be assessed by an order of the Assistant Secretary.

(d) Before issuing an order assessing a civil penalty against any person under this section, the Assistant Secretary shall provide to such person notice of

the proposed penalty. The notice of proposed penalty shall inform the person of the opportunity to make an election, in writing, within 30 days after receipt of the notice. The election involves deciding whether to have the procedures of paragraph (f) of this section apply, in lieu of the procedures in paragraph (e) of this section, with respect to the assessment of a civil penalty.

(e)(1) Unless the election described in paragraph (d) of this section is made within 30 calendar days after receipt of the notice given under paragraph (d) of this section, the Assistant Secretary shall assess the penalty, by order, after a determination of violation has been made on the record. Such determination of violation shall be made after an opportunity has been afforded for an agency hearing pursuant to Section 554 of Title 5, United States Code, before an administrative law judge appointed under Section 3105 of Title 5. The assessment order shall include the administrative law judge's findings and the basis for such assessment.

(2) Any person against whom a civil penalty is assessed under this subsection may, within 60 calendar days after the date of the order of the Assistant Secretary assessing the penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with Chapter 7 of Title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside, in whole or in part, the order of the Assistant Secretary, or the court may remand the proceeding to the Assistant Secretary for such further action as the court may direct.

(f)(1) In any case where the procedures of this subsection have been elected, as described in paragraph (d) of this section, the Assistant Secretary shall assess such penalty by order. The order shall be made not later than 60 calendar days after the alleged violator's date of receipt of notice of the proposed penalty under paragraph (d) of this section.

(2) If the civil penalty assessed by order under paragraph (f)(1) of this section has not been paid within 60 calendar days after the assessment order was made, the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as

so modified, or setting aside in whole or in part, such assessment.

(3) Any election to have this Subsection apply may not be revoked, except with the consent of the Assistant Secretary.

(g) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order under paragraph (e) of this section, or after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (f) of this section, the Secretary shall recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of the respective final order or judgment imposing the civil penalty shall not be subject to review.

(h) Notwithstanding the provisions of Title 28, United States Code, or of Section 502 of the Department of Energy Organization Act, the Secretary shall be represented by the General Counsel of the Department of Energy (or any attorney or attorneys within the Department of Energy designated by the Secretary) who shall supervise, conduct, and argue any civil litigation to which this section applies (including any related collection action) in a court of the United States or in any other court, except the Supreme Court. However, the Secretary or the General Counsel shall consult with the Attorney General concerning such litigation and the Attorney General shall provide, on request, such assistance in the conduct of such litigation as may be appropriate.

#### Subpart G—Renewable Resource Installation and Materials Standards

##### § 456.701 Scope.

This Subpart contains both the installation and materials standards with respect to renewable resource measures. Not all renewable resource measures have installation or materials standards under these rules. Those measures not addressed in this Subpart either have been determined not to require standards or have not yet been determined whether or not they require standards. The *HUD Intermediate Minimum Property Standards Supplement*, Solar Heating and Domestic Hot Water Systems, 4930.2, 1977 Edition is incorporated by reference into this Subpart as though set forth in full herein, pursuant to 5 U.S.C. § 552(a). Identification, description, and information regarding availability of and future changes to the incorporated standards are contained in Appendix II to this Part.

##### § 456.702 Solar domestic hot water and active solar space heating systems.

(a) Solar Domestic Hot Water Systems, other than Thermosiphon Hot Water Heaters, and Active Solar Space Heating Systems shall be constructed and installed in compliance with the *HUD Intermediate Minimum Property Standards Supplement*, Solar Heating and Domestic Hot Water Systems, 4930.2, 1977 Edition, U.S. Department of Housing and Urban Development.

(b) Any reference in the *HUD Intermediate Minimum Property Standards Supplement* to exceptions or alternatives that may be approved by HUD with respect to the standards therein shall not apply under this section.

##### § 456.703 Thermosiphon hot water heaters. [Reserved]

##### § 456.704 Swimming pool heaters. [Reserved]

##### § 456.705 Wind systems installation standards. [Reserved]

##### § 456.706 Wind systems material standards. [Reserved]

#### Subpart H—Energy Conservation Material Standards

##### § 456.801 Scope and coverage.

This subpart identifies and describes minimum standards for safety and effectiveness of certain products and materials which are energy conservation measures when they are used in the RCS Program. Certain standards are incorporated by reference into this Subpart as though set forth in full herein, pursuant to 5 U.S.C. § 552(a). Identification, description, and information regarding availability of and future changes to the incorporated standards are contained in Appendix II to this Part.

##### § 456.802 General requirements and definitions.

(a) *General Requirements.* (1) Only products meeting these material standards may be marked, "Conforms to DOE Standards."

(2) Thermal insulation materials shall contain no asbestos which has been intentionally added nor which occurs as a contaminant.

(3) Composition of sample material shall not be altered to produce qualifying specimens for the tests required to meet these material requirements.

(b) *Definitions.* (1) "AAMA" means Architectural Aluminum Manufacturers Association.

(2) "ASTM" means American Society for Testing and Materials.

(3) "ASTM C 516" means ASTM Standard Specification for Vermiculite Loose Fill Insulation.

(4) "ASTM C 520" means ASTM Standard Method for Density of Granular Loose-Fill Insulation.

(5) "ASTM C 578" means ASTM Standard Specification for Preformed, Block-Type Cellular Polystyrene Thermal Insulation.

(6) "ASTM 576-76" means ASTM Standard Test Method for Dew/Frost Point of Sealed Insulating Glass Units in Vertical Position.

(7) "ASTM E 84" means ASTM Standard Test Method for Surface Burning Characteristics of Building Materials.

(8) "ASTM E 96" means ASTM Standard Test Method for Water Vapor Transmission of Materials in Sheet Form.

(9) "ANSI" means American National Standards Institute.

(10) "Automatic Ignition System" means a system comprised of a pilot ignition device, pilot flame sensing means, control system, and associated automatic valving for application to an existing pilot burner and designed to:

(i) Ignite the pilot burner on a call for heat;

(ii) Prove the presence of the pilot flame and allow main burner gas to flow;

(iii) Automatically act to shut off the gas supply to the main burner and pilot burner when the pilot burner is not proved.

(11) "Cellular Polystyrene Thermal Insulation" means an organic foam composed principally of polymerized styrene resin processed to form a homogeneous rigid mass of cells.

(12) "CPSC" means U.S. Consumer Product Safety Commission.

(13) "CPSC Part 120" means U.S. Consumer Product Safety Commission Safety Standard for Architectural Glazing Materials.

(14) "CPSC Part 1209" means U.S. Consumer Product Safety Commission Interim Safety Standard for Cellulose Insulation, 16 CFR Part 1209 (July 6, 1979) and any amendments thereto.

(15) "CPSC Part 1404" means U.S. Consumer Product Safety Commission Cellulose Insulation Labeling Requirement, 16 CFR Part 1404 (July 6, 1979).

(16) "Critical Radiant Flux" means the level of incident radiant heat energy on the insulation below which flames will cease to propagate, as determined according to the test procedure described in CPSC 16 CFR Part 1209.

(17) "F.H.D.A." means Fir and Hemlock Door Association.

(18) "HH-I-515D" means Federal Specification HH-I-515D Insulation, Thermal (Loose-Fill for Pneumatic or Poured Application): Cellulosic or Wood Fiber.

(19) "HH-I-524B" means Federal Specification HH-I-524B Insulation Board, Thermal (Polystyrene).

(20) "HH-I-530A" means Federal Specification HH-I-530A Insulation Board, Thermal (Polyurethane and Polyisocyanurate).

(21) "HH-I-558B" means Federal Specification HH-I-558B Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Coverings.

(22) "HH-I-574B" means Federal Specification HH-I-574B Insulation, Thermal (Perlite).

(23) "HH-I-585C" means Federal Specification HH-I-585C Insulation, Thermal (Vermiculite).

(24) "HH-I-1030A" means Federal Specification HH-I-1030A Insulation, Thermal (Mineral Fiber for Pneumatic or Poured Application).

(25) "HH-I-1252B" means Federal Specification HH-I-01252B Insulation, Thermal Reflective (Aluminum Foil).

(26) "Loose-Fill cellulosic or wood fiber thermal insulation" means thermal insulation composed of chemically treated cellulosic or wood fibers, or any combination thereof, suitable for pneumatic or poured application.

(27) "Loose-fill mineral fiber thermal insulation" means insulation composed of mineral substances such as slag, rock, or glass, suitable for pneumatic or poured application.

(28) "Mineral fiber blanket and batt thermal insulation" means flexible units composed of felted inorganic fibers with or without binders, in rolls or strips, with or without attached membrane coverings.

(29) "Multi-glazing" means an arrangement of two or more separated layers of glazing (providing one or more insulating air spaces). Multi-glazing can be achieved by installing a preassembled, sealed insulating glass unit or by affixing one or more additional sheets of glazing onto an existing window, sash, or glass.

(30) "NBS/PS" means National Bureau of Standards Voluntary Product Standard.

(31) "NWMA" means National Woodworking Manufacturers Association.

(32) "Smoldering Combustion" means the combustion of solid materials without the accompaniment of flame, when determined according to the test procedure described in CPSC 16 CFR Part 1209.

(33) "Storm Door" means a door installed outside or inside a prime door,

creating an insulating air space to provide greater resistance to heat flow than the prime door alone.

(34) "Storm Window" means a unit consisting of glazing installed in a window opening either outside or inside a prime window, creating an insulating air space to provide greater resistance to heat flow than the prime window alone. The storm window may be removable or permanently attached.

(35) "Thermal Door" means a unit installed in a door opening which has an R-value of at least two (2) and is weatherstripped to provide greater resistance to heat flow.

(36) "Thermal Resistance" (R-value) means the resistance to the flow of heat of a particular body or assembly. "R-value" is measured in the United States customary units, ft<sup>2</sup>·hr·°F/Btu.

(37) "Thermal Resistivity" is a property of a homogenous material measured by its thermal resistance per unit thickness. Thermal resistivity is measured in the United States customary units, ft<sup>2</sup>·hr·°F/Btu-in.

(38) "Thermal Window" means a window system with improved thermal performance through the use of multiple glazing and more airtight construction. Some thermal windows also provide an insulating frame and sash to provide greater thermal efficiency.

(39) "Vent Damper" means a device which automatically closes vents on oil and gas-fired appliances to prevent the escape of heat through the vent pipe when the main burner is not being fired. The device may be thermally, mechanically, or electrically actuated.

(40) Other definitions of terms relating to thermal insulating materials are found in ASTM C 168, "Thermal Insulating Materials."

(c) *Conversions.* Conversions between United States customary units and metric (S.I.) units are based on conversion factors listed in ASTM E 380-76, "Standard for Metric Practice," and ANSI/ASTM E 621-78 "Standard Practice for the Use of Metric (S.I.) Units in Building Design and Construction."

#### § 456.803 Standard for loose-fill cellulosic or wood-fiber thermal insulation.

(a) *Scope.* This section applies only to loose-fill cellulosic or wood-fiber thermal insulation.

(b) *Material Requirements.* (1) For vermin-resistance and odor emission, the material shall meet the requirements of HH-I-515D.

(2) For moisture absorption, the material shall meet the requirements of HH-I-515D, except the container may be 200 mm × 200 mm × 100 mm (8 inches × 8 inches × 4 inches).

(3) For fungi resistance, the material shall meet the requirements of HH-I-515D with the following changes:

(i) The core of 12.5 mm (0.5 ins) regular gypsum wall board shall be used as the control; and constant temperature and humidity shall be maintained.

(ii) Examine the test samples of insulation and the control at 40X magnification for evidence of fungal growth.

(iii) Ascertain whether any of the test samples show more fungal growth than the control.

(4) At a minimum each bag of thermal insulation shall be permanently marked with the following information:

(i) Name of manufacturer.

(ii) Recommended method of application (blowing or pouring).

(iii) Minimum net weight of insulation.

(iv) Table I, filled in. Where the insulation is intended for application by both blowing or pouring, the bag shall have a separate coverage chart for each type of application if the coverage is different.

(v) The following warning statements:

Skin irritation: During installation, insulation material can cause some local skin irritation; protect skin by wearing loose clothing, including gloves. Wash work clothing separately from other clothing.

Eye and lung protection: To prevent irritation to eyes and lungs from fibers which may become airborne during installation, a dust mask and goggles are suggested.

§ 456.804. Standard for loose-fill mineral fiber thermal insulation.

(a) *Scope.* This section applies to loose-fill mineral fiber insulation.

(b) *Material Requirements.*

(1) For fire safety, the material shall meet CPSC Part 1209 when tested at the manufacturer's recommended installed density.

(2) For corrosiveness, the material shall meet the requirements of HH-I-1030A.

(3) For odor emission, the material shall meet the requirements of HH-I-515D.

(4) For fungi resistance, the material shall meet the requirements of HH-I-515D, with the changes specified in § 456.803(b)(3).

(5) The weight loss on ignition shall be no greater than 12 percent when tested in accordance with HH-I-1030A.

(6) At a minimum, each bag of insulation shall be permanently marked in accordance with CPSC Part 1404 (without the word: "cellulose"), and shall include the following information:

(i) Name of manufacturer.

(ii) Recommended method of application (blowing or pouring).

(iii) Minimum net weight of insulation.

(iv) Table II, filled in. Where the insulation is intended for application by

Table I.—Coverage Chart

To obtain thermal resistance (R-value) of	Minimum number of bags per 1,000 ft <sup>2</sup> (MSF net)	Installed insulation should not be less than:	Maximum net square feet coverage per bag	The weight per net square foot of installed insulation should be not less than:
Attic:				
R-40	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-32	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-24	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-19	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-13	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
Sidewalls:				
R—	—bags/MSF	2 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.
R—	—bags/MSF	4 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.
R—	—bags/MSF	6 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.

\*The thermal resistance of loose-fill cellulose thermal insulation shall be measured at the manufacturer's recommended installed density.

Table II.—Coverage Chart

To obtain thermal resistance (R-value) of	Minimum number of bags per 1,000 ft <sup>2</sup> (MSF net)	Installed insulation should not be less than:	Maximum net square feet coverage per bag	The weight per net square foot of installed insulation should be not less than:
Attic:				
R-22	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-19	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
R-11	—bags/MSF	—inches thick	—sq. ft.	—lbs/sq. ft.
Sidewalls:				
R—	—bags/MSF	2 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.
R—	—bags/MSF	4 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.
R—	—bags/MSF	6 inches thick (nominal)	—sq. ft.	—lbs/sq. ft.

\*The thermal resistance of insulation shall be measured at the manufacturer's recommended installed density.

both blowing or pouring, the bag shall have a separate coverage chart for each type of application, if coverage is different.

(v) The following warning statements:

Skin irritation: During installation, insulation material can cause some local skin irritation; protect skin by wearing loose clothing, including gloves. Wash work clothing separately from other clothing.

Eye and lung protection: To prevent irritation to eyes and lungs from fibers which may become airborne during installation, a dust mask and goggles are suggested.

§ 456.805 Standard for mineral fiber blanket and batt thermal insulation.

(a) *Scope.* This section applies to mineral fiber blanket and batt thermal insulation for residential applications.

(b) *Material Requirements.* (1) For fire safety, the material shall meet the requirements CPSC Part 1209.

(i) For critical radiant flux test, blankets and batts with a reflective or nonreflective membrane covering on one principal face (known as Type I) shall be tested with the membrane covering

faced down in the tray. Blankets and batts with a reflective or nonreflective membrane covering on both principal faces, only one of which shall be a vapor barrier (known as Type III) shall be tested with the breather paper faced up in the tray.

(ii) For smoldering combustion test, the mineral fiber blanket shall be tested without the membrane at the recovered thickness.

(2) For corrosiveness, the material shall meet the requirements of HH-I-1030A.

(3) For odor emission, the material shall meet the requirements of HH-I-515D.

(4) For fungi resistance, the material shall meet the requirements of HH-I-515D with the changes specified in § 456.803(b)(3).

(5) Vapor permeance.

(i) Vapor resistant membrane coverings on mineral fiber blanket and batt thermal insulation shall have a vapor permeance of not more than 1.0

perm. This shall be verified by testing in accordance with Procedure A of ASTM E 96.

(ii) Vapor permeable membrane coverings on mineral fiber blanket and batt thermal insulation shall have a vapor permeance of not less than five perms. This shall be verified by testing in accordance with Procedure A of ASTM E 96.

(6) Dimensional Tolerances. The dimensional tolerance on a specified length of mineral fiber blanket or batt thermal insulation shall be 12.5 mm (0.5 inch) for blankets 2,500 mm (100 inches) or shorter, and 0.5 percent for blankets longer than 2,500 mm. The tolerance on a specified width shall be 12.5 mm (0.5 inch).

(7) At a minimum, mineral fiber blanket and batt thermal insulation shall be permanently marked in accordance with CPSC Part 1404 (without the word "cellulose"), and shall include the following information:

(i) The following statement shall be permanently marked on applicable insulation:

#### Caution

This membrane covering is flammable. It should not be left exposed.

(ii) The following warning statements shall be marked on the insulation or its packaging:

Skin irritation: During installation, insulation material can cause some local skin irritation; protect skin by wearing loose clothing, including gloves. Wash work clothing separately from other clothing.

Eye and lung protection: To prevent irritation to eyes and lungs from particles which may become airborne during installation, a dust mask and goggles are suggested.

#### § 456.806 Standard for vermiculite thermal insulation.

(a) *Scope*. This section applies to expanded or exfoliated vermiculite thermal insulating materials.

(b) *Material Requirements*. (1) For fire safety, the material shall meet the combustibility requirements of HH-I-585C.

(2) For water repellency, the material shall meet the requirements of HH-I-585C.

(3) Density shall be less than 88 kg/m<sup>3</sup> (5.5 lb/ft<sup>3</sup>) when tested in accordance with ASTM C-520.

(4) Grading. Particle size of vermiculite insulation shall be graded to meet the requirements of ASTM C516.

(5) At a minimum, each bag of vermiculite thermal insulation shall be permanently marked in accordance with CPSC Part 1404 (without the word "cellulose"), and shall include the following information:

(i) Name of manufacturer.

(ii) The density and grade of vermiculite.

(iii) Minimum net weight of insulation.

(iv) Recommended method of application (blowing or pouring)

(v) Table II, filled in. Where insulation is intended for application by both blowing and pouring, the bag shall have a separate coverage chart for each type of application of the coverage is different.

(vi) The following warning statement:

Eye and lung protection: To prevent irritation to eyes and lungs from particles which may become airborne during installation, a dust mask and goggles are suggested.

#### § 456.807 Standard for perlite thermal insulation.

(a) *Scope*. This section applies to loose-fill perlite thermal insulation.

(b) *Material Requirements*. (1) For fire safety (combustibility), water repellency, and solvent solubles, the material shall meet the requirements of HH-I-574B.

(2) Density. The material shall have a density of not more than 128 kg/m<sup>3</sup> (8 lb/ft<sup>3</sup>), when tested in accordance with ASTM C 520.

(3) Grading. Particle size of perlite insulation shall be graded to meet the requirements of HH-I-574B.

(4) Marking. Each bag of perlite thermal insulation shall be permanently marked in accordance with CPSC Part 1404 (without the word, "cellulose"), and shall include the following information:

(i) Name of manufacturer.

(ii) Density and grade of perlite.

(iii) Minimum net weight of insulation.

(iv) Recommended method of application (blowing or pouring).

(v) Table II, filled in. Where insulation is intended for application by both blowing and pouring, the bag shall have a separate coverage chart for each type of application if the coverage is different.

(vi) The following warning statement.

Eye and lung protection: To prevent irritation to eyes and lungs from particles which may become airborne during installation, a dust mask and goggles are suggested.

#### § 456.808 Standards for polystyrene thermal insulation board.

(a) *Scope*. This section covers cellular polystyrene thermal insulation board.

(b) *Material Requirements*. (1) Fire safety. Polystyrene thermal insulation shall have a flame spread classification of no greater than 75 when tested in accordance with ASTM E 84.

(2) For water absorption, water vapor transmission, compressive strength and flexural strength, the material shall meet the requirements of HH-I-524B.

(3) Dimensional tolerances. The dimensional tolerances of the material shall conform to the values in Table 3 of ASTM C 578.

(4) At a minimum, each package of polystyrene thermal insulation board shall be permanently marked to include the following information:

(i) Name of manufacturer

(ii) The type of insulation (as defined in HH-I-524B)

(iii) And the following statements:

Interior applications of polystyrene thermal insulation board must be covered with a layer of gypsum board 12.5 mm (0.5 inches) thick, or an equivalent fire barrier.

Keep this insulation away from exhaust flues of furnaces, water heaters, space heaters, or other heat-producing devices.

#### § 456.809 Standards for polyurethane and polyisocyanurate thermal insulation board.

(a) *Scope*. This section applies to faced and unfaced rigid cellular polyurethane and polyisocyanurate thermal insulation board.

(b) *Material Requirements*. (1) Fire safety. The flame spread classification of polyurethane and polyisocyanurate insulation board shall be no greater than 75 when tested in accordance with ASTM E 84.

(2) For water absorption, compressive strength flexural strength, dimensional tolerance, and moisture vapor permeability, the material shall meet the requirements of HH-I-530 A.

(3) At a minimum, each package of polyurethane and polyisocyanurate thermal insulation shall be permanently marked to include the following information:

(i) Name of manufacturer

(ii) And the following statements:

Interior applications are limited to spaces separated from the living space by a 12.5 mm (0.5 inch) thick layer of gypsum board, or an equivalent fire barrier.

Keep this insulation away from exhaust flue of furnaces, water heaters, space heaters, or other heat-producing devices.

#### § 456.810 Standard for urea-formaldehyde based foamed-in-place insulation. [Reserved]

#### § 456.811 Standards for aluminum foil reflective thermal insulation.

(a) *Scope*. This section applies to single and multilayer aluminum reflective thermal insulation.

(b) *Material Requirements*. (1) For water vapor permeability, pliability, thickness, bonding adhesive, content of foil, and kraft paper, the material shall meet the requirements of HH-I-1252B.

(2) Finished insulation. The layers shall be securely bonded together along edges, forming an attachment flap suitable for nailing or stapling.

(3) At a minimum, each package of aluminum foil thermal insulation shall be permanently marked in accordance with CPSC Part 1404 (without the word "cellulose") and shall include the following information:

(i) Name of manufacturer.

§ 456.812 Standards for caulks and sealants, water heater insulation and heating/air conditioning duct insulation.

(a) *Scope*. This section applies to the following materials of components thereof:

(1) Caulks and sealants.

(2) Water heater insulation.

(3) Heating and air conditioning duct insulation.

(b) *Materials Standards for Caulks and Sealants*. (1) Caulks and sealants shall conform to the applicable Federal Specifications and ASTM standards indicated in Table III.

Table III

Examples of caulks or sealants	Applicable specification
Putty	F.S. TT-P-00791B-modified to allow natural calcium carbonate.
Oil and Resin Base	F.S. TT-C-00598C and ASTM C-570-72.
Acrylic (Solvent Type)	F.S. TT-S-00230C.
Butyl Rubber	F.S. TT-S-001657.
Chlorosulphonated Polyethylene	F.S. TT-S-00230C.
Latex Sealing Compound	ASTM C 834-76.
Polysulfide-single-component	F.S. TT-S-00230C.
Polysulfide-multicomponent	F.S. TT-S-00227E.
Polyurethane-single-component	F.S. TT-S-00230C.
Polyurethane-multicomponent	F.S. TT-S-00227E.
Silicone	F.S. TT-S-001543A.

(c) *Material Standard for Water Heater Insulation*. (1) Water Heater Insulation shall conform to Federal Specification HH-I-558B, "Federal Specification: Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Covering." In addition, the exterior facing shall have a flame spread, when tested in accordance with ASTM-E-84, of:

(i) No more than 150 when installed on electric water heaters, and

(ii) No more than 25 when installed on gas or oil-fired water heaters.

(2) If insulation is packaged specifically for the purpose of insulating water heaters, it shall be marked with the following information: R-value, length, width, thickness, square feet of insulation in the package, and flame spread of the facing.

(3) Mineral fiber insulation which meets the requirements of paragraph (c)(1) of this section, but which is not packaged specifically for the purpose of insulating water heaters may be labelled "Conforms to DOE standards for water heater insulation". In addition, it shall

also be marked with the following: R-value and flame spread of facing.

(d) *Material Standard for Heating/Air Conditioning Ducts Insulation*. (1) Water heater and heating/air conditioning duct insulation shall conform to F.S. HH-I-558B, "Federal Specification: Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Covering."

(2) Duct coverings shall have a flame spread, when tested in accordance with ASTM E-84, of no more than 25.

(3) Packages of duct insulation shall be marked with the following information: the R-value, length, width, thickness, and square feet of insulation in the package.

§ 456.813 Standards for storm and thermal windows and doors and multi-glazed insulating units for windows and doors.

(a) *Scope*. This section applies to the following materials or components thereof:

(1) Storm and thermal windows

(2) Storm and thermal doors

(3) Multiglazing units for windows and doors.

(b) *Material Standards for Storm and Thermal Windows*. (1) Aluminum combination storm windows shall conform to ANSI/AAMA 1002.9-1977, "Voluntary Specification for Aluminum Combination Storm Windows for External Applications." Cl.3, Cl.4, and Cl.6 of ANSI/AAMA 1002.9-1977, may be modified to permit plastic as well as glass.

(2) Wood frame storm and thermal windows shall conform to Section 3 of ANSI/NWMA I.S. 2-73, "Industry Standard for Wood Windows," modified to allow plastic as well as glass.

(3) Rigid vinyl frame storm and thermal windows shall be constructed with vinyl profile extrusions which conform to NBS/PS28-70, "Rigid Polyvinyl-Chloride Profile Extrusions."

(4) Rigid acrylic frame storm windows shall conform to the requirements in the BOCA research report No. 72-33 for thermoplastic molding powders VS, VM, or DR.

(5) Exterior storm windows shall have an air infiltration no greater than 0.003 m<sup>3</sup>/s for each linear meter (2.0 ft<sup>3</sup>/min for each linear foot) of crack at a static pressure difference of 75 Pa (1.58 psf). Interior storm windows shall have an air infiltration no greater than 0.00075 m<sup>3</sup>/s for each linear meter (0.5 ft<sup>3</sup>/min for each linear foot) of crack at a static pressure difference of 75 Pa (1.58 psf).

(6) Thermal windows shall have a thermal conductance no greater than 4 W/m<sup>2</sup>C (0.7 Btu/h ft<sup>2</sup>°F) corrected for framing, for an exterior wind velocity of 24 km/h (15 mph) and an infiltration rate

no greater than 0.00075 m<sup>3</sup>/c for each linear meter (0.5 ft<sup>3</sup>/min for each linear foot of crack at a static pressure difference of 75 Pa (1.58 psf).

(7) Infiltration through storm and thermal windows shall be measured in accordance with ASTM E 283-73, "Standard Test Method for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors." Heat transmission factors of thermal windows shall be measured in accordance with ASTM C 236. Framing correction factors shall be taken from ASHRAE Handbook 1977 Fundamentals, p. 22.24, Table 8.

(c) *Material Standards for Storm and Thermal Doors*. (1) Aluminum frame storm doors shall conform to ANSI/AAMA 1102.7-1977, "Voluntary Specifications for Aluminum Storm Doors."

(2) Pine storm and thermal doors shall conform to the requirements for exterior doors listed in Section 3 of ANSI/NWMA I.S. 5-73, entitled "Ponderosa Pine Doors."

(3) Fir, hemlock, and spruce storm and thermal doors shall conform to the requirements for exterior doors listed in Section 3 of FHDA 6-77, "Industry Standard for Douglas-Fir, Western Hemlock, and Sitka Spruce Doors and Blinds."

(4) Rigid vinyl frame storm and thermal doors shall be constructed with vinyl profile extrusions which conform to NBS/PS 26-70.

(5) If storm or thermal doors contain glazing, safety glazing shall conform to CPSC safety standard Part 1201—"Safety Standard for Architectural Glazing Materials."

(d) *Material Standard for Multi-Glazing*. (1) The frost point of each test specimen sealed insulating glass unit shall be no higher than -29°C (-20°F) when tested in accordance with ASTM-E-576-76.

(2) Sealed insulating glass units, when used in doors, shall conform to CPSC Part 1201.

§ 456.814 Standards for furnace efficiency modifications.

(a) *Scope*. This section applies to the following furnace efficiency modifications:

(1) Replacement gas-fired central heating systems.

(2) Replacement oil-fired central heating systems.

(3) Heat Pumps.

(4) Replacement oil burners.

(5) Electrically-operated vent dampers for gas-fired systems.

(6) Mechanically actuated vent dampers for gas-fired systems.



(7) Thermally actuated vent dampers for gas-fired systems.

(8) Automatic gas ignition systems.

(b) *Material Standard for Replacement Gas-Fired Central Heating Systems.* Gas-Fired central heating systems shall conform to ANSI Z21.46-1978, entitled, "American National Standard for Gas-fired Central Furnaces," ANSI Z21.13 1977, entitled "Gas-Fired Low Pressure Steam and Hot Water Heating Boilers," or ANSI Z21.59-1974, "Gas-Fired High Pressure Steam and Hot Water Heating Boilers."

(c) *Material Standard for Replacement Oil-Fired Central Heating Systems.* Oil-Fired central heating systems shall conform to UL 726/ANSI Z96.3-1975 "Oil-Fired Boiler Assemblies" or UL 727/ANSI Z96.1-1978 "Oil-fired Central Furnaces."

(d) *Material Standard for Replacement Oil Burners.* Oil burners shall conform to UL 296/ANSI Z96.2-1974 "Oil Burners" and ANSI Z91.2-1976, entitled "Performance Requirements for Automatic Pressure Oil Burners of the Mechanical-Draft Type."

(e) *Material Standard for Heat Pumps.* Heat pumps shall conform to UL 599 "Standard for Heat Pumps."

(f) *Material Standard for Automatic Ignition Systems for Gas-Fired Heating Systems.* Automatic ignition systems shall conform to ANSI Z21.20-1975, entitled "American National Standard for Automatic Gas Ignition Systems and Components." All automatic gas ignition systems shall contain a label stating: "This device should be installed only by an approved contractor."

(g) *Material Standard for Vent Dampers for Gas-Fired Systems.* (1) Vent Dampers for gas-fired systems shall meet the appropriate standard(s) listed below:

(i) ANSI Z21.66-1977, American National Standard for Electrically Operated Automatic Vent Damper Devices for Use with Gas-Fired Appliances.

(ii) ANSI XZ21.67-1978, American National Standard for Mechanically Actuated Automatic Vent Damper Devices for use with Gas Fired Appliances.

(iii) ANSI Z21.68-1978, American National Standard for Thermally Actuated Automatic Vent Damper Devices for use with Gas-Fired Appliances.

(2) All vent dampers shall contain a label stating: "This device should be installed only by an approved contractor."

(3) Wiring diagrams and instructions. [Reserved.]

#### § 456.815 Load management devices.

(a) *Scope.* This section applies to devices associated with load management techniques. Application of load management technology in the United States is expected to expand rapidly. Consensus specifications for load management devices are likely to become available in the future as their use becomes more common.

(1) *General.* (i) It shall be suitable for its intended purpose.

(ii) Claims of its performance shall be substantiated by certified test data on production models.

(iii) It shall be listed by a nationally recognized laboratory.

(iv) It shall not be incompatible with the utility's control equipment, where relevant.

(v) It shall be constructed of substantial and compatible materials.

(vi) Where required for safety, warning decals, safety locking, and automatic shut-off devices shall be used.

(vii) It shall not cause improper functioning of other household appliances.

(2) The manufacturers shall maintain a suitable quality control program to ensure that all component parts, as well as the finished product, will conform to all of the manufacturer's efficiency, performance, and safety claims.

(3) The manufacturer shall provide detailed installation and general maintenance instructions with each unit.

(4) The manufacturer shall provide a warranty for the device which covers a period of at least three years.

#### Subpart I—Energy Conservation Installation Standards

##### § 456.901 Scope.

This subpart contains the installation standards, referred to herein as standard practices, for the safe and effective installation of energy conservation measures under the RCS program. Certain standards are incorporated by reference into this Subpart as though set forth in full herein, pursuant to 5 U.S.C. § 552(a). Identification, description, and information regarding availability of and future changes to the incorporated standards are contained in Appendix II to this Part.

##### § 456.902 Referenced standards.

The standard practices of this Subpart contain references to existing ASTM (American Society for Testing and Materials), ANSI (American National Standards Institute) and NFPA (National Fire Protection Association) standards. These referenced standards are listed below.

(a) ASTM Designation C 168-67 means "Standard Definitions of Terms Relating to Thermal Insulation Materials."

(b) ASTM Designation C 755-73 means "Standard Recommended Practice for Selection of Vapor Barriers for Thermal Insulation."

(c) ASTM Designation E 84-77 means "Standard Test Method for Surface Burning Characteristics of Building Materials."

(d) ASTM Designation E 119-76 means "Standard Methods of Fire Tests of Building Construction and Materials."

(e) ASTM Designation E 136-79 means "Test for Non-Combustibility of Elementary Materials."

(f) ANSI/ASTM D2156-65 (1975) means "American National Standard Method of Tests for Smoke Density in the Flue Gases from Distillate Fuels."

(g) ANSI Z91.2-1976 means "American National Standard Performance Requirements for Automatic Pressure Atomizing Oil Burners of the Mechanical Draft Type."

(h) ANSI Z95.1-1974 means "American National Standard Installation of Oil Burning Equipment."

(i) ANSI Z96.2-1974 (UL 296-Sept. 1974) means "American National Standard Safety Standard for Oil Burners."

(j) NFPA-31 means "Standard for the Installation of Oil Burning Equipment."

(k) NFPA-54 means "National Fuel Gas Code."

(l) NFPA-70 means "National Electrical Code."

(m) NFPA-211 means "Standard for Chimneys, Fireplaces, and Vents."

##### § 456.903 Definitions.

(a) Certain technical terms relating to insulation not defined below are used in this subpart in accordance with the definitions given in ASTM Designation C 168-67, "Standard Definitions of Terms Relating to Thermal Insulating Materials."

(b) As used in this subpart—

(1) "Approved" means acceptable to whatever authority regulates the installation procedures discussed in this practice. Such authority is usually a municipal, state, or federal agency or an underwriters' inspection or rating bureau.

(2) "Conditioned Space" means any space in a residential building which is served by a heating or cooling system.

(3) "Draft Hood" means a component of gas-fired water heaters which mixes secondary air with the combustion gases leaving the unit thus enabling a smooth, continuous relief of gases up the vent pipe.



(4) "Draft Regulator" means a component of oil-fired water heaters which mixes secondary air with the combustion gases leaving the unit thus enabling a smooth, continuous relief of gases up the vent pipe.

(5) "Duct Insulation" means mineral fiber batt and blanket thermal insulation with a membrane which has a frame spread classification of no more than 25 when tested in accordance with ASTM Designation E 84-77.

(6) "Galvanic Corrosion" means a form of deterioration resulting from the electrochemical reaction that occurs when certain dissimilar metals are in contact.

(7) "Hi-Limit Switch" means a temperature control that senses temperature changes in electric, gas, and oil-fired water heaters and cuts off the energy supply or fuel flow to the unit when the internal water temperature rises above a certain point.

(8) "Mastic" means a pasty material used as an adhesive for installing insulation board.

(9) "Mineral Cellular Loose-fill Thermal Insulating Materials" means mineral particulate material in granular, modular, powdery, or similar form designed to be installed dry by pouring, blowing, or hand placement between retaining surfaces or as a covering layer.

(10) "Mineral Fiber Batt and Blanket Thermal Insulating Materials" means flexible units composed of felted inorganic fibers with or without binders, in rolls or strips, with or without attached membrane coverings.

(11) "Mineral Fiber Loose-fill Thermal Insulating Material" means insulation composed of mineral substances such as slag, rock, or glass suitable for pneumatic or poured application.

(12) "Multi-glazing" means an arrangement of two or more separated layers of glazing (providing one or more insulating air spaces). Multi-glazing can be achieved by installing a preassembled, sealed insulating glass unit or by affixing one or more additional sheets of glazing onto an existing window, sash, or glass.

(13) "Oil Burner" means a device which, for oil-fired heating equipment in a residential building, atomizes, vaporizes, or otherwise disperses the fuel oil, mixes it with air and ignites the fuel-air mixture, and is an integral part of an oil-fired furnace or boiler, including the combustion chamber.

(14) "Organic Cellular Rigid Board Thermal Insulation" means an organic foam composed principally of polymerized styrene resin or catalyzed reaction products expanded with a fluorocarbon blowing agent to form a homogeneous rigid mass of cells.

(15) "Organic (Cellulosic or wood fiber) Loose-fill Thermal Insulating Materials" means thermal insulation composed of chemically treated cellulosic or wood fibers, or any combination thereof suitable for pneumatic or poured application.

(16) "Pressure Relief Valve" means a safety valve which opens to vent pressure when the pressure in the water tank exceeds a pre-set level due to excessive water temperature.

(17) "Prime Window (door)" means the original window (door) to which a storm window (door) or multi-glazing is added to provide greater thermal resistance.

(18) "Reflective Thermal Insulation" means thermal insulation depending for its efficiency in large part on reduction of radiant heat transfer across spaces by use of one or more surfaces of high reflectance and low emittance.

(19) "Replacement Oil Burner" means an oil burner that conforms to the requirements of the most recent revisions of American National Standard Safety Standard for Oil Burners, Z96.2 (UL 296) and American National Standard Performance Requirements for Automatic Pressure Atomizing Oil Burners of the Mechanical Draft Type, Z91.2 and approved by a nationally recognized testing agency.

(20) "Storm Door" means a door installed outside or inside a prime door, creating an insulating air space to provide greater resistance to heat flow than the prime door alone.

(21) "Storm Window" means a unit consisting of glazing installed in a window opening either outside or inside a prime window, creating an insulating air space to provide greater resistance to heat flow than the prime window alone. The storm window may be removable or permanently attached.

(22) "Thermal Door" means a unit installed in a door opening which has an R-value of at least two (2) and is weatherstripped to provide greater resistance to heat flow.

(23) "Thermal Window" means a window system with improved thermal performance through the use of multiple glazing, and more airtight construction. Some thermal windows also provide an insulating frame and sash to provide greater thermal efficiency.

(24) "Unconditioned Space" means any space, out-of-doors or in a residential building, which is not served by a heating or cooling system.

(25) "Unit" means a storm window, thermal window, multi-glazing or storm door as defined herein. It is a manufactured item assembled in a

factory or a knock down unit assembled at the site prior to installation.

(26) "Vapor Barrier" means any material (as defined in ASTM Designation C 755-73) that has a water-vapor permeance (perm) rating of one (1) or less.

**Note 1.**—The following materials, upon proper application, constitute vapor barriers. Asphalt impregnated draft paper, aluminum foil, plastic film, and paint and wallcoverings which are labeled by the manufacturer as having a perm rating of one (1) or less when applied in accordance with the manufacturer's instructions.

(27) "Vent Pipe" means an exhaust pipe carrying products of combustion from oil-fired and gas-fired water heaters to the outside environment.

(28) "Water Heater Insulation" means mineral fiber batt and blanket thermal insulation with a membrane facing which has a frame spread classification of no more than 150 for electric water heaters and 25 for oil- and gas-fired water heaters, when tested in accordance with ASTM Designation E 84-77.

(29) "Water Heater Damper" means a device which automatically closes vents on oil and gas-fired water heaters to prevent the escape of heat through the vent pipe when the main burner is not being fired.

#### § 456.904 Coverage and additional requirements.

(a) *Coverage.* (1) Installation of any measure or type of measure for which a standard exists in this Subpart, installed under the circumstances described in the State Plan pursuant to § 456.305, shall conform to that standard, except to the extent otherwise provided in paragraphs (a) (2) and (3) of this section.

(2) These practices are intended to establish a minimum level of performance for safety and effectiveness. When a manufacturer's installation instructions regarding specific requirements that affect safety and effectiveness result in a higher level of performance for these characteristics, such manufacturer's installation instructions may, with the approval of the Assistant Secretary, be used.

(3) These practices are not intended to supersede the authority of state and local codes but are instead intended to establish minimum criteria for safety and effectiveness. When state or local codes specifically address the substance of provisions contained therein, they may apply; when state and local codes do not address the substance of specific provisions contained therein, these practices shall prevail.

(b) *Additional requirements.* (1) At the completion of each installation of

thermal insulation materials covered under §§ 456.905-456.909, the person responsible for such installation shall comply with the requirements of § 456.910, "Certification Procedures for the Installation of Thermal Insulation Materials."

(2) The installation practices in this Subpart contain certain "recommendations" regarding the application of vapor barriers in some condensation zones. The term "recommend" is used to signify that the procedures identified are not required to provide a safe and effective installation of insulation in every instance but may prevent the occurrence of moisture problems under certain conditions. The eligible customer ultimately needs to accept or reject the "recommended" practices contained herein. Therefore, whenever a "recommendation" is contained in these practices, the person responsible for the installation shall present to the eligible customer the "recommendation" and any additional information which he can provide to assist the eligible customer in making a decision.

**§ 456.905 Standard practice for the installation of loose-fill thermal insulation.**

(a) *Scope.* (1) This practice covers the installation of dry organic (cellulosic or wood) and mineral (rock, slag, or glass) fiber loose-fill thermal insulation on ceilings, attics, floors and in frame wall cavities and mineral cellular (perlite or vermiculite) loose-fill thermal insulation in attic floors and various masonry wall cavities of existing residential buildings.

(2) A working knowledge of the terminology and fundamentals of construction, and applicable codes is necessary for the proper application of this standard.

(b) *Safety Precautions.* During installation, do not smoke in the attic or any truck or van used for installation.

(c) *Pre-Installation Procedures.* (1) General. (i) Identify all recessed lighting fixtures (including wiring compartments and ballasts) furnaces, vents, chimneys, and other heat-producing devices in all areas where insulation is to be installed.

(ii) Install blocking, such as wood, metal or unfaced mineral wool batts around all heat producing devices to permanently maintain the clearances specified in paragraphs (c) (1) (iii) and

(iv) of this section. Install all blocking at least as high as the height of the finished insulation and in a manner that ensures that all devices which may require maintenance or servicing remain accessible after the insulation is installed.

(iii) Install blocking to provide a three-inch minimum clearance around all recessed lighting fixtures (including wiring compartments and ballasts) and other heat producing devices not covered in paragraph (c) (1) (iv) of this section. Do not cover these devices so as to entrap heat or prevent the free circulation of air unless they are approved for the purpose.

(iv) Install blocking around gas-fired appliances to provide the minimum clearances specified in NFPA-54, the National Fuel Gas Code. Install blocking around oil-fired appliances to provide the minimum clearances specified in NFPA-31, Standard for the Installation of Oil Burning Equipment. Install blocking around masonry chimneys or masonry enclosing a flue to provide a minimum two-inch (50 mm) clearance from the outside face of the masonry. Install blocking around vents, chimney and vent connectors and chimneys other than masonry chimneys, to provide the minimum clearances specified in NFPA-211, Standard for Chimneys, Fireplaces, and Vents.

(v) When installing mineral fiber or mineral cellular insulation which, in addition to meeting all the requirements specified in § 456.804, is also non-combustible as defined in ASTM designation E 136-79, the blocking and airspaces around vents and chimneys need not be provided.

(vi) Inspect the roof, walls, ceilings, and attic floors to identify areas where a previous moisture problem has caused paint peeling, warpage, stain, visible fungus growth, rotting, or other structural damage. Do not install insulation in such areas until the resident has been informed and these conditions have been corrected and their source(s) eliminated. If the resident, after being informed of the moisture condition and the effect of installing insulation in such areas, elects to proceed with the insulation, the resident must so state in writing on the contract.

(vii) Block all openings in ceilings, floors, and sidewalls through which the

insulating material may escape. Seal all wall cavities which open into a basement or crawl space before wall insulation is installed.

(2) *Walls.* (i) For buildings located in Zone I of Figure 1, provide a vapor barrier on the interior surface of all walls to be insulated in bathrooms and unvented kitchens and laundry areas. Caulk or seal all major cracks on the interior face of exterior walls of these rooms including joints between the floor and wall (except where impractical because of carpeting), between wall and ceiling, at joints around window frames, and around wall penetrations for electrical services (outlets and switches) and plumbing stacks, and heating and air-conditioning ducts.

**Note 1.**—It is recommended that a vapor barrier and caulking, such as described in this section, also be provided on all walls to be insulated in bathrooms and unvented kitchens and laundry areas in buildings in Zone II of Figure 1.

**Note 2.**—The above requirements for moisture control are minimum requirements needed to prevent long term moisture damage. Homes which are characterized by one or more of the following conditions are more likely to experience excessive moisture accumulation which can be corrected by application of a vapor barrier and caulking as described above and/or additional venting of the wall cavity from the exterior or additional ventilation of the occupied space:

- a. Homes with an area of less than 800 square feet (75 square meters);
  - b. Homes with less than 250 square feet (23 square meters) per occupant;
  - c. Homes with tight wall and ceiling construction and weatherstripped windows and doors;
  - d. Electrically heated homes or homes with a heating system which uses outside combustion air.
- A relative humidity indicator may be installed to monitor the humidity level and determine when excessive moisture accumulation is likely to occur.

(3) *Attics and Ceilings.* (i) Identify and measure ventilation area in attics. Do not install insulation in attics unless ventilation openings in attic areas conform to one of the following requirements:

(A) 1 ft<sup>2</sup> (0.1m<sup>2</sup>) minimum of free ventilation area per 150 ft<sup>2</sup> (15 m<sup>2</sup>) of attic floor area, if no vapor barrier exists in the attic;

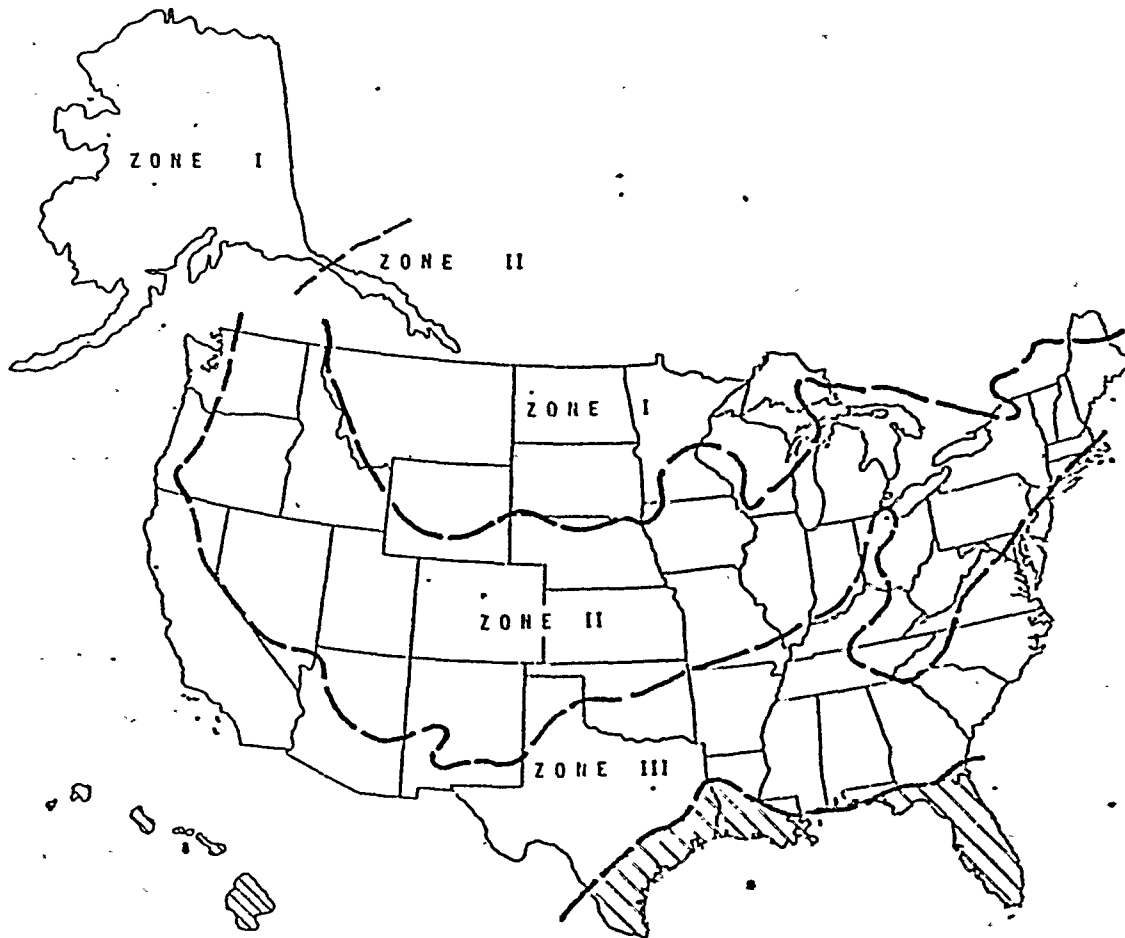


Figure 1. Condensation Zones in the United States

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(B) 1 ft<sup>2</sup> (0.1m<sup>2</sup>) minimum of free ventilation are per 300 ft<sup>2</sup> (30 m<sup>2</sup>) of attic floor area if a vapor barrier does exist;

(C) 1 ft<sup>2</sup> (0.1m<sup>2</sup>) minimum of free ventilation area per 300 ft<sup>2</sup> (30 m<sup>2</sup>) of attic floor space if at least 50 percent of the required ventilating area is provided with fixed ventilation located in the upper portion of the space to be ventilated (at least three feet (900 mm) above eave or soffit vents) with the remainder of the required ventilation provided by eave or soffit vents, if no vapor barrier exists. If the free ventilation area of louvers is not known, assume that it is half of the area of the

ventilation opening and increase the opening accordingly.

(ii) Ensure that all ventilation openings have suitable louvers or screens to prevent rain or snow from entering the attic.

(iii) For buildings located in Zone I of Figure 1, if there is no existing insulation or if existing insulation is to be removed, provide a vapor barrier membrane on the upper surface of the ceiling material. Never install a vapor barrier on top of existing insulation.

Note 3.—For buildings in Zones I and II of Figure 1, where there is existing ceiling

insulation and no vapor barrier, it is recommended that a vapor barrier such as paints and wall coverings which are labeled by the manufacturer as having a perm rating of one (1) or less and are applied in strict accordance to the manufacturer's instructions be installed on the interior ceiling surface of bathrooms and unvented kitchens and laundry areas. It is also recommended that all cracks and penetrations on the interior ceiling surface of these rooms (such as around lighting fixtures and at wall and ceiling joints) be caulked.

Note 4.—The above requirements for ventilation and moisture control are minimum requirements needed to prevent long term

moisture damage. Homes which are characterized by one or more of a, b, c, or d of Note 2 are more likely to experience excessive moisture accumulation which can be corrected by application of a vapor barrier and caulking as described above or by additional ventilation of the occupied space.

A relative humidity indicator may be installed to monitor the humidity level and determine when excessive moisture accumulation is likely to occur.

(iv) Install permanent blocking around attic trap doors and vents which open into the attic, if the level to which the insulation will be installed exceeds their height. Ensure that the blocking is installed around vent openings in a manner that enables the free movement of air through the vent into the attic.

(v) Cover all bathroom and kitchen vent openings in the attic with temporary blockings prior to the installation of insulation to assure that no insulation material falls into the vents.

(vi) Install permanent blockings to restrain loose-fill insulation from clogging soffit vents at the eaves restricting attic ventilation. Install blocking so as to ensure free movement of air through soffit vents into the attic.

(d) *Installation Procedures.* (1) General.

(i) Do not install insulation unless the pre-installation procedures have been carried out and any defects which were identified were corrected and their causes eliminated.

(ii) Structural loads [Reserved].

(iii) Handle all insulation material in accordance with manufacturer's instructions and keep it dry and free of extraneous materials.

(iv) For pneumatic installation use only equipment compatible with the insulation material and operate the equipment in accordance with the manufacturer's instructions.

(v) Install insulation so that it will not be in contact with the ground or other sources of water.

(vi) Install insulation only between conditioned and unconditioned spaces.

(2) *Walls.* (i) Do not fill wall cavities which themselves are air ducts for heating, ventilation, and/or cooling systems.

(ii) Locate entry holes in walls (if required) to permit the complete filling of wall cavities.

(iii) After the entry holes have been opened use them to check the wall cavity for fire stops and other obstructions which will necessitate additional entry holes to assure complete filling of the cavity.

(iv) With the exception of spaces identified in paragraphs (c)(1) (iii) and (iv) of this section, completely fill wall

cavities in accordance with the manufacturer's recommendations.

(v) Close all entry holes in a workmanlike manner using materials compatible with the original materials. Do not close entry holes in sheathing which is covered by an exterior brick veneer or siding.

(3) *Attics and Ceilings.* (i) For pneumatic installation in ceiling areas use the least air pressure meeting the manufacturer's instructions.

(ii) Do not blow insulation into electrical devices or vents which open into the attic or other spaces identified in paragraphs (c)(1) (iii) and (iv) of this section.

(iii) Fit the attic side of trap doors or panels with insulation batt (or equivalent material) except where prevented by a retractable ladder.

(e) *Post-Installation Procedures.* (1) Inspect the coverage and depth of the insulation. Fill all "pockets" and voids in the insulation. Level insulation in a manner which will not damage wiring or any other items.

(2) Turn off electric power and clear all electric wall outlet boxes and switch boxes of any insulation material.

(3) Remove all temporary blockings which were installed over vent openings in attics.

**§ 456.906 Standard practice for the installation of mineral fiber batts and blankets thermal insulation.**

(a) *Scope.* (1) This practice covers the installation of mineral (rock, slag, or glass) fiber batt and blanket thermal insulation in ceilings, attics, floors, walls, and on basement and crawl space walls and ducts of existing residential buildings.

(2) A working knowledge of the terminology and fundamentals of construction, and applicable codes is necessary for the proper application of this standard.

(b) *Safety Precautions.* Do not smoke in the attic.

(c) *Pre-installation Procedures.* (1) General. (i) Identify all recessed lighting fixtures (including wiring compartments and ballasts) furnaces, vents, chimneys, and other heat-producing devices in all areas where insulation is to be installed.

(ii) Inspect the roof, walls, ceilings, and attic floors to identify areas where a previous moisture problem has caused paint peeling, warpage, stain, visible fungus growth, rotting, or other structural damage. Do not install insulation in such areas until the resident has been notified and these conditions have been corrected and their source(s) eliminated. If the resident, after being informed of the moisture condition and the effects of

installing insulation in such areas, elects to proceed with the installation, the resident must so state in writing on the contract.

(2) *Attics and Ceilings.* (i) Identify and measure ventilation area in attics. Do not install insulation in attics unless ventilation openings in attic areas conform to one of the following requirements:

(A) 1 ft<sup>2</sup> (0.1 m<sup>2</sup>) minimum of free ventilation area per 150 ft<sup>2</sup> (15 m<sup>2</sup>) of attic floor area, if no vapor barrier exists in the attic;

(B) 1 ft<sup>2</sup> (0.1 m<sup>2</sup>) minimum of free ventilation area per 300 ft<sup>2</sup> (30 m<sup>2</sup>) of attic floor area if a vapor barrier does exist;

(C) 1 ft<sup>2</sup> (0.1 m<sup>2</sup>) minimum of free ventilation area per 300 ft<sup>2</sup> (30 m<sup>2</sup>) of attic floor space if at least 50 percent of the required ventilating area is provided with fixed ventilation located in the upper portion of the space to be ventilated (at least three feet (90° mm) above eave or soffit vents) with the remainder of the required ventilation provided by eave or soffit vents, if no vapor barrier exists. If the free ventilation area of louvers is not known, assume that it is half of the area of the ventilation opening and increase the opening accordingly.

(ii) Ensure that all ventilation openings have suitable louvers or screens to prevent rain or snow from entering the attic.

(iii) For buildings located in Zone I of Figure 1 if there is no existing insulation or if existing insulation is to be removed, provide a vapor barrier membrane on the upper surface of the ceiling material. Never install a vapor barrier on top of existing insulation.

**Note 1.**—For buildings in Zones I and II of Figure 1, where there is existing ceiling insulation and no vapor barrier, it is recommended that a vapor barrier such as paints and wall coverings which are labeled by the manufacturer as having a perm rating of one (1) or less and are applied in strict accordance to the manufacturer's instructions be installed on the interior surface of bathrooms and unvented kitchen and laundry areas. It is also recommended that all cracks and penetrations on the interior ceiling surface of these rooms (such as around lighting fixtures and at wall/ceiling joints) be caulked.

**Note 2.**—The above requirements for moisture control are minimum requirements needed to prevent long term moisture damage. Homes which are characterized by one or more of the following conditions are more likely to experience excessive moisture accumulation which can be corrected by application of a vapor barrier and caulking as described above or by additional ventilation of the occupied space:

a. Homes with an area of less than 800 square feet (75 m<sup>2</sup>);

b. Homes with less than 250 square feet (23 m<sup>2</sup>) per occupant;

c. Homes with tight wall and ceiling construction and weatherstripped windows and doors;

d. Electrically heated homes or homes with a heating system which uses outside combustion air.

A relative humidity indicator may be installed to monitor the humidity level and determine when excessive moisture accumulation is likely to occur.

(3) *Floors and Basement and Crawl Space Walls.* (i) Where insulation is to be installed beneath floors over crawl spaces or on crawl space walls, cover the ground surface with a ground cover which acts as a vapor barrier (such as 6-mil (0.15 mm) polyethylene sheeting lapped at the joints). Turn the ground cover up at least six inches (150 mm) at the walls.

(ii) Where practical in crawl spaces provide a free ventilation area of one square foot (0.1 m<sup>2</sup>) for every 1500 square feet (150 m<sup>2</sup>) of the ground area of the crawl space. Provide cross ventilation where possible. (See paragraph (c)(2)(i)(C) for guidance on estimating free ventilation area.)

(iii) Where insulation is to be installed on crawl space walls, provide a means to seal off the ventilation area(s) during the heating season.

Note 3.—Insulation of floors over unheated spaces will cause these spaces to be colder. Accordingly, appropriate measures may need to be taken to keep water pipes from freezing during colder weather.

(iv) Provide a vapor barrier on the winter warm side of floor insulation in buildings located in Zones I and II of Figure 1.

(4) *Ducts.* (i) Inspect duct to assure that it is dry and clean and that all joints are securely connected. Seal all joints that do not appear airtight with duct tape or other appropriate materials.

Note 4.—Insulation of ducts located in unheated spaces will cause these spaces to be colder. Accordingly, appropriate measures may need to be taken to keep pipes from freezing during colder weather.

(d) *Installation Procedures.* (1) *General.* (i) Do not install insulation unless the pre-installation procedures have been carried out and any defects which were identified were corrected, and their causes eliminated.

(ii) Handle all insulation material in accordance with manufacturer's instructions and keep it dry and free of extraneous materials.

(iii) Install insulation so that it will not be in contact with the ground or other sources of water.

(iv) Install insulation only between conditioned and unconditioned spaces.

(v) Install insulation so that it fits tightly between framing members on all sides. Cut insulation that is too long for a space to the correct size. If insulation is too short for a space, cut a piece to fill the void and tightly butt-joint batts. Do not double over or unnecessarily compress insulation.

(vi) Permanently maintain the clearances, specified in paragraphs (vii) and (viii) below around all heat producing devices.

(vii) Provide a three-inch (75 mm) minimum clearance around all recessed lighting fixtures (including wiring compartments and ballasts) and other heat producing devices not covered in paragraph (viii). Do not cover these devices so as to entrap heat or prevent the free circulation of air unless they are approved for the purpose.

(viii) Provide the minimum clearances around gas fired appliances specified in NFPA-54, the National Fuel Gas Code. Around oil-fired appliances, provide the minimum clearances specified in NFPA-31, Standard for the Installation of Oil Burning Equipment. Around masonry chimneys or masonry enclosing a flue provide a minimum two-inch (50 mm) clearance from the outside face of the masonry. Around vents, chimney and vent connectors and chimneys other than masonry chimneys, provide the minimum clearances specified in NFPA-211, Standard for Chimneys, Fireplaces, and Vents.

(ix) When installing mineral fiber blanket insulation having no membrane (or having a non-flammable membrane) which, in addition to meeting all the requirements specified in § 456.805, is also non-combustible as defined in ASTM designation E 136-79, the airspace specified in this section need not be provided around vents and chimneys.

(x) Assure that all devices which may require periodic servicing remain accessible after the insulation is installed.

(2) *Walls.* (i) Zones I and II of Figure 1, install a vapor barrier on the winter warm side of insulation installed in exterior walls. Secure the vapor barrier to the studs so as to avoid gaps and fishmouths. If the insulation does not have a vapor barrier attached to it provide a separate vapor barrier on the winter warm side over the installed insulation.

(ii) With duct tape (or equivalent), tape all tears and penetration in the vapor barrier and all joints which are not overlapped by at least three inches.

(iii) If the insulation material is provided with a flammable vapor barrier, or if a separate vapor barrier which is flammable is installed, cover

the insulation with a finish material having a finish rating of not less than 15 minutes when tested according to ASTM Designation E 119-76.

(3) *Attics, Ceilings, and Floors.* (i) Always place vapor barriers on the winter warm side of the insulation. Never install a combustible vapor barrier so that it remains exposed.

(ii) When installing insulation around bridging or cross bracing of ceiling or floor joists fit the insulation material tightly around these obstructions and assure that there are no gaps in the insulation.

(iii) When recessing insulation batts in floor joist cavities turn insulation up at the header or cut and attach pieces of insulation to the header to avoid heat loss through the header.

(iv) Fit insulation tightly in floor joist areas and secure in place with either wire fasteners, galvanized wire, or nylon mesh or galvanized screen held in place by stapling or nailing, or galvanized wire lacing held in place by stapling or nailing.

(v) Do not cover soffit vents with insulation nor in any other way restrict attic ventilation.

(vi) Install insulation around vents which open into the attic in a manner that will ensure free movement of air through the vent into the attic.

(vii) Fit the attic side of trap doors or panels with insulation batt except where prevented by a retractable ladder.

(4) *Basement and Crawl Space Walls.*

(i) Where the joists run parallel to the wall, install the wall insulation by stapling the top of each batt to the band joist. Where the joists run at right angles to the wall, install short pieces of insulation against the header, ensuring that there are no gaps in the insulation. Then, install the wall insulation by stapling the top of each batt to the sill.

(ii) Ensure that the batts fit snugly against each other and that they are sufficiently long to cover the wall and two feet of the crawl space floor.

(5) *Ducts.* (i) Install duct insulation only on ducts located in unconditioned spaces.

(ii) Install insulation batt or blanket with the vapor barrier on the outside.

(iii) Butt joints of batts tightly and in such a way that a vapor barrier tab overlaps the joints by at least two inches. Mechanically fasten the tab to the underlying vapor barrier and seal the joints with duct tape, or alternatively, overlay insulation and tape when vapor barriers are attached.

(iv) On rectangular ducts install insulation so that at the corners it is not compressed more than 50 percent of its nominal thickness.

(v) On horizontal ducts over 24 inches (600 mm) wide, secure the bottom of the insulation with mechanical fasteners as required by the manufacturer. Seal fastener penetrations to provide an airtight system.

(vi) Install any protective covers required by local codes and regulations.

(e) *Post-installation Procedures.* (1) Ensure that insulation does not restrict attic soffit vents.

(2) Ensure that all required clearances have been maintained.

(3) Ensure that, where required, all insulation is covered with a suitable covering material.

**§ 456.907 Standard practice for the installation of organic cellular rigid board thermal insulation.**

(a) *Scope.* (1) This practice covers the installation of organic cellular rigid board thermal insulation on concrete floors, foundation perimeters, interior of masonry walls, interior of frame walls, ceilings, and as exterior sheathing on walls and roofs of existing residential buildings.

(2) This practice covers the installation of the rigid board but does not include in detail the installation of exterior siding and roofing, required to protect rigid board insulation from the effects of weather, or the installation of interior fire protective coverings.

(3) A working knowledge of the terminology and fundamentals of construction, and applicable codes is necessary for the proper application of this standard.

(b) *Safety Precautions.* (1) Do not smoke in any area in which insulation is being installed or cut.

(2) The vapors of many solvents used in mastics and adhesives in the installation of organic cellular rigid board thermal insulation are flammable. Keep solvents in approved containers and follow the specific label instructions.

(c) *General Requirements.* (1) For all rigid board applications, carry out the pre-installation, installation, and post-installation procedures in the order prescribed in paragraphs (d) through (m) of this section.

(2) For interior applications of rigid board insulation on walls and ceilings install, on all exposed faces and edges of the insulation material, a cover having a finish rating of not less than 15 minutes, when tested according to ASTM Designation E 119-76.

(3) Install insulation only between conditioned and unconditioned spaces for energy conservation, except as provided in paragraphs (d) and (g) of this section.

(4) Follow the requirements applicable to the control of moisture in buildings to be insulated as detailed in Table 1.

(5) Install all vapor barriers required by this practice on the interior of the innermost insulation.

(6) Follow all insulation manufacturer's recommendations relative to the venting of wall constructions.

(7) Ensure that only mastics and solvents compatible with the board insulation material are used.

(d) *Foundation Perimeter.* (1) *Applicability.* This section applies to the installation of organic cellular rigid board thermal insulation to the exterior of foundation walls and around the perimeter of concrete slab-on-grade floors. Only Type 3 polystyrene boards may be used for this application.

(2) *Pre-Installation Procedures.* (i) Identify any termite shields that would be covered by the insulation. Do not install board insulation unless the termite shield is effectively extended beyond the insulation and cover to be installed.

(ii) Prepare a trench of not less than 12 inches (300 mm) in depth on the exterior of the foundation.

(iii) Install any anchoring devices required for the application of the covering material.

(iv) Identify surface projections, such as electrical outlets, utility meters, piping, and faucets, which will require special attention.

(3) *Installation Procedure.* (i) Do not install insulation board with adhesives when the wall surface is wet or the temperature is below freezing.

TABLE 1. MOISTURE CONTROL REQUIREMENTS APPLICABLE TO THE  
INSTALLATION OF RIGID BOARD THERMAL INSULATION

Material	Where Installed	Cavity	Requirements
Board with vapor barrier facings (Also boards which are rated by the manufacturer to have a permeability of less than 1 in the thickness in which the board will be installed)	Interior	filled or empty	No additional winter-warm side vapor barrier
	Exterior	filled	In zones I and II of Figure 1, vapor barrier on the winter-warm side and sealing of interior cracks
	Exterior	empty	No additional winter-warm side vapor barrier
Board without vapor barrier facings	Interior	filled or empty	In Zones I and II of Figure 1, vapor barrier on the winter-warm side and sealing of interior cracks
	Exterior	filled	In Zones I and II of Figure 1, vapor barrier and sealing of interior cracks only in bathrooms and other high moisture areas
	Exterior	empty	No additional winter-warm side vapor barrier required



(ii) Cut board insulation to fit around any surface projections, around windows, and at corners so as to fit tightly against each other and against the anchoring devices.

(iii) Attach the insulation board against the wall or slab edge.

(iv) To provide impact resistance to those parts of the boards which will remain exposed after backfilling, install a protective cover.

(v) Back-fill and tamp ground around foundation or slab edge to slope away from the building.

(4) *Post-Installation Procedures.* Ensure that any termite shields are effectively extended beyond the insulation and its cover.

(e) *Concrete Floors. (1) Applicability.* This section applies to the installation of organic cellular rigid board thermal insulation on concrete floors over unheated basements and crawl spaces or on concrete slabs on grade.

(2) *Pre-Installation Procedures. (i)* Ensure that the concrete floor surface is clean, dry, and free of oil and loose paint.

(ii) Fill any cracks in concrete floors with patching cement several days prior to installation.

(iii) Seal joints between the floor and walls to reduce air infiltration.

(iv) Identify all floor drains. Do not cover such drains unless permitted by local codes.

(v) Prior to installing insulation on a slab on grade, provide a waterproof barrier such as two separate brushed-on coatings of asphalt emulsion.

(3) *Installation Procedure. (i)* Cut the insulation board to appropriate size so as to provide tight but not forcefit joints.

(ii) Adhere the board thermal insulation to the concrete, assuring an intimate and continuous bond.

(iii) Mechanically fasten to the concrete floor slab an underfloor of sufficient strength to distribute any imposed load so as not to crush the insulation.

(iv) Protect the floor area around any permanently installed heat producing equipment in accordance with the requirements of NFPA 31, Standard for the Installation of Oil Burning Equipment, for oil burning equipment or NFPA 54, the National Fuel Gas Code, for gas-fired equipment. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(4) *Post-Installation Procedures. (i)* Ensure that the overlayment subfloor is flat, all subfloor panels butt or tongue and groove joints are tight, and the subfloor is securely fastened.

(ii) Ensure that, where required, protective coverings around heat

producing equipment have been provided.

(f) *Masonry Wall Interior. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the interior of masonry walls, particularly basement walls, which separate conditioned and unconditioned spaces.

(2) *Pre-Installation Procedures. (i)* Ensure that the walls are structurally sound; that they are dry and do not show signs of recent dampness (such as mold); and are clean, free of grease, loose paint, and loose material.

(ii) Remove any baseboards or moldings on walls to be insulated.

(iii) Install any anchoring devices required for the application of the covering material.

(iv) Determine edge treatment to be provided at windows and doors after the insulation and covering are installed.

(v) Identify all electrical outlets and switches. Have an approved electrician extend these to the level of the new surface, if required.

(vi) Identify and seal cracks at ceiling/wall and floor/wall joints and window and door frames to reduce air infiltration.

(3) *Installation Procedures. (i)* Provide the minimum clearances around gas fired appliances specified in NFPA-54, the National Fuel Gas Code. Around oil-fired appliances, provide the minimum clearances specified in NFPA-31, Standard for the Installation of Oil Burning Equipment. Around masonry chimneys or masonry enclosing a flue provide a minimum two-inch (50 mm) clearance from the outside face of the masonry. Around vents, chimney and vent connectors and chimneys other than masonry chimneys, provide the minimum clearances specified in NFPA-211, Standard for Chimneys, Fireplaces, and Vents. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(ii) Cut the board insulation to fit around any surface projections such as windows, electrical outlets, conduits, and surface mounted water and drain pipes.

(iii) Attach the insulation board to the wall.

(iv) Do not cover water or drain pipes with insulation board (during cold weather, heat from the house may be necessary to prevent the pipes from freezing). If possible, wedge some insulating board pieces between the pipes and the wall.

(v) After all insulation board is applied, install a cover having a finish rating of not less than 15 minutes when tested according to ASTM Designation E

119-76. Water and drain pipes may be covered with approved covering material.

(vi) Cover the edges of the insulation around electrical outlets and switches, leaving sufficient space to permit their convenient use.

(vii) Replace moldings at floor and install trim as needed around doors and windows.

(4) *Post-Installation Procedures. (i)* Ensure that electrical outlets and switches operate freely.

(ii) Ensure that the required clearances around heat producing equipment have been maintained.

(g) *Masonry Crawl Space Walls. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the interior of crawl space walls as an alternate to insulating the floor over a crawl space.

(2) *Pre-Installation, Installation and Post-Installation Procedures. (i)* Ensure that all applicable provisions of paragraph (f) of this section are carried out.

(ii) Do not cover ventilation openings but provide a means for closing the openings during the heating season.

(iii) Cover the ground surface with a ground cover which acts as a vapor barrier (such as 6-mil (0.15 mm) polyethylene sheeting lapped at the joints). Turn the ground cover up at least six inches (150 mm) at the walls.

(h) *Frame Wall Interior. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the interior of finished framed wall constructions which separate conditioned from unconditioned spaces.

(2) *Pre-Installation Procedures. (i)* Ensure that all provisions of paragraph (g)(2) of this section are carried out.

(ii) Secure any anchoring devices required for the application of the covering material to the wall framing studs.

(iii) Identify water and drain pipes both on the surface of the wall and in the wall cavities. Provide nailers as needed for attaching the covering material.

(3) *Installation Procedures. (i)* Install the insulation boards in accordance with the requirements of paragraph (f)(3) of this section.

(ii) Do not install insulation over stud spaces that contain water supply or waste pipes (during cold weather, heat from the house may be necessary to prevent the pipes from freezing). The covering material may be placed over such stud spaces containing pipes.

(4) *Post-Installation Procedures. (i)* Conduct post-installation procedures in

accordance with paragraph (f)(4) of this section.

(i) *Ceilings. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the underside (winter warm side) of existing plaster or gypsum board ceilings. See paragraph (j) of this section for requirements for the interior installation of insulation board to wood roof decks.

(2) *Pre-Installation Procedures.* (i) Ensure that the ceilings are structurally sound, that they are dry and do not show signs of recent dampness such as mold, are clean, free of grease, loose paint, and loose material.

(ii) Remove any existing moldings at the wall to ceiling joints or on the ceiling itself.

(iii) Identify electrical outlets and recessed lighting fixtures. Have an approved electrician lower these to the level of the new finished ceiling surface, if required.

(iv) Identify the location of ceiling joists.

(v) Seal all cracks at wall to ceiling joints, and any other cracks such as at electrical outlets.

(3) *Installation Procedure.* (i) Maintain a three inch (75 mm) minimum clearance around all recessed lighting fixtures (including wiring compartments and ballasts) and other heat producing devices not covered in paragraph (ii). Do not cover these devices so as to entrap heat or prevent free circulation of air unless they are approved for the purpose.

(ii) Provide the minimum clearances around gas fired appliances specified in NFPA-54, the National Fuel Gas Code. Around oil-fired appliances, provide the minimum clearances specified in NFPA-31, Standard for the Installation of Oil Burning Equipment. Around masonry chimneys or masonry enclosing a flue provide a minimum two-inch (50 mm) clearance from the outside face of the masonry. Around vents, chimney and vent connectors and chimneys other than masonry chimneys, provide the minimum clearances specified in NFPA-211, Standard for Chimneys, Fireplaces, and Vents. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(iii) Cut the insulation board to appropriate size and attach the board to the ceiling.

(iv) Install a cover having a finish rating of not less than 15 minutes when tested according to ASTM Designation E 119-73.

(v) If the cover consists of gypsum or similar board material, install the board so that the joints fall on the center line

of the ceiling joists and nail the board to the joists with nails of sufficient length to penetrate the cover material, the insulation board, the existing ceiling, and into the ceiling joist.

(vi) Finish the ceiling with tape and spackle as required.

(4) *Post-Installation Procedures.* (i) Ensure that all surfaces and edges of insulation board are covered with a material having a finish rating of at least 15 minutes when tested according to ASTM Designation E 119-76.

(ii) Ensure that the required clearances around heat producing equipment have been maintained.

(j) *Exposed Wood Deck Ceilings. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the underside (winter warm side) of exposed wood roof decks.

(2) *Pre-Installation Procedures.* Apply all provisions of paragraph (i)(2) of this section.

(3) *Installation Procedure.* (i) Cut the insulation board to fit snugly between any exposed joists or rafters.

(ii) Maintain the minimum clearances around heat producing devices specified in paragraphs (i)(3)(i) and (ii) of this section.

(iii) Install the insulation board securely to the wood deck. If mechanical fasteners are used, do not puncture the roofing.

(iv) Install a cover having a finish rating of not less than 15 minutes when tested in accordance with ASTM Designation E 119-76.

(v) Secure the cover through the insulation board to the wood deck. Do not puncture the roofing.

(vi) Finish the ceiling with tape and spackle as required and install edge trim as needed.

(4) *Post-Installation Procedures.* (i) Ensure that all surfaces and edges of insulation board are covered with a material having a finish rating of at least 15 minutes when tested according to ASTM Designation E 119-76.

(ii) Ensure that the required clearances around heat producing equipment have been maintained.

(k) *Frame Wall Exterior. (1) Applicability.* This section applies to the installation of organic cellular rigid board insulation to the exterior of frame walls.

(2) *Pre-Installation Procedures.* (i) Assure that the walls are free of fungus growth (dry rot) and that they can support the load of the insulation and the weather resistant exterior finish. If the existing exterior wall cover is sound and free of rot, insulation can be installed over the existing siding. If the existing surface is attacked by fungus

growth, remove the old siding. If the old siding is removed, assure that the structural integrity of the wall is maintained, either by the remaining cross bracing or the installation of new siding.

(ii) Remove any trim around windows, doors, corners, and at the sills as required to install the insulation.

(iii) Identify any termite shields that would be covered by the insulation. Do not install board insulation unless termite shields are effectively extended beyond the insulation and cover to be installed.

(iv) Determine edge treatment to be given at corners, sills, windows, and doors.

(v) Identify surface projections, such as electrical outlets, utility meters, and faucets, which will require special attention.

(3) *Installation Procedure.* (i) If the existing wood siding is sound and left in place, install the insulation board with mechanical fasteners to the wood siding in accordance with the manufacturer's instructions.

(ii) If the existing siding was removed, or if the siding consists of light gage metal over an "insulation board" sheathing, install the organic cellular rigid insulation board with mechanical fasteners to the wall studs or to an existing wood sheathing in accordance with the manufacturer's instructions.

(iii) Maintain the clearances around chimneys and vents specified in NFPA 211, Standard for Chimneys, Fireplaces, and Vents. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(iv) Cover the insulation board with a suitable weather resisting exterior finish, such as aluminum or vinyl siding, wood or asbestos shingles, or metal lath and stucco.

(v) Attach the cover through the insulation board and existing wood siding or sheathing to the wood frame studs; or attach furring strips or a plywood nailer through the insulation board to the stud wall and attach the finish to the strips or nailer.

(vi) Install flashing and trim at windows, doors, corners, and sills so as to preclude the penetration of water into the wall cavity.

(vii) Flash and seal around any obstructions such as at water faucets and electrical outlets.

(viii) Provide weep holes at the sill plate as required.

(ix) Where insulation board is installed on walls which have cavity insulation, provide for moisture control in accordance with the requirements of Table 1.

(4) *Post-Installation Procedures.* (i) Ensure that the required clearances around chimneys and vents have been maintained.

(ii) Ensure that all surfaces of insulation board are covered with a suitable weather resisting finish material.

(iii) Ensure that joints in trim, flashing, and protective cover at windows, doors, corners, faucets, and electrical outlets are tight and sealed as required.

(iv) Ensure that weep holes in the cover are provided as required and are free of clogging material.

(1) *Masonry Wall Exterior.* (1) *Applicability.* This section applies to the installation of organic cellular rigid board insulation to the exterior of masonry or masonry veneer walls.

(2) *Pre-installation Procedures.* (i) Ensure that the walls are free of grease, loose paint and loose material, and major cracks.

(ii) Remove any trim around windows, doors, corners, and at the sill as required to install the insulation.

(iii) Identify any termite shields that would be covered by the insulation. Do not install board insulation unless the termite shield is effectively extended beyond the insulation and cover to be installed.

(iv) Determine edge treatment to be given at corners, sills, windows, and doors.

(v) Identify surface projections such as electrical outlets, utility meters, and faucets which will require special attention.

(3) *Installation Procedure.* (i) Attach the insulation board to the wall as recommended by the manufacturer.

(ii) Maintain the clearances around chimneys and vents specified in NFPA 211, Standard for Chimneys, Fireplaces, and Vents. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(iii) Cover the insulation board with a suitable weather resistant exterior finish, such as aluminum or vinyl siding, wood or asbestos shingles, or metal lath and stucco.

(iv) Fasten the cover through the insulation board onto the masonry wall; or secure furring strips or a plywood nailer base through the insulation board onto the masonry wall and attach the finish to the strips or nailer base.

(v) Install flashing and trim at windows, doors, corners, and sills so as to preclude the penetration of water.

(vi) Flash and seal around any obstructions such as at water faucets and electrical outlets.

(vii) Provide weep holes at the sill plate as required.

(4) *Post-Installation Procedures.* (i) Ensure that the required clearances around chimneys and vents have been maintained.

(ii) Ensure that the insulation board has been properly covered.

(iii) Ensure that all required flashing and sealing has been provided.

(iv) Check that all necessary weep holes at the sill plate have been provided and are unobstructed.

(m) *Roof Exterior.* (1) *Applicability.* This section applies to the installation of organic cellular rigid board insulation to the exterior of sloped roofs. This section does not apply to roofs over unheated attics.

(2) *Pre-Installation Procedures.* (i) Inspect the roof to assure that it is not sagging nor showing evidence of rot in shingles, sheathing, or structural members. Do not install insulation on roofs that are not able to support the additional load of the insulation and new roofing system or over roofs that show signs of rot.

(ii) If there are two or more layers of roofing, remove all roofing. Insulation may be applied over a single layer of roofing.

(iii) Install nailers the thickness of the insulation board along all edges and along the ridge.

(3) *Installation Procedure.* (i) Install insulation board as recommended by the manufacturer. Use an application method which fastens the insulation to the roof sheathing. Do not use adhesive to fasten the insulation to shingles or roofing felt only.

(ii) Maintain the clearances around chimneys and vents specified in NFPA 211, Standard for Chimneys, Fireplaces, and Vents. Consult the foam manufacturer for additional requirements regarding the protection of foam from excessive heat.

(iii) Install a plywood overlay, mechanically fastened to the original sheathing, on top of the insulation board and cover the plywood with roofing.

(iv) Install all flashing, gutters, and trim as required.

(4) *Post-Installation Procedures.* (i) Ensure that the required clearances around chimneys and vents have been maintained.

(ii) Ensure that the new roofing entirely covers the insulation.

(iii) Ensure that all flashing is properly installed, particularly at dormers, chimneys, or where the roof adjoins vertical wall sections.

§ 456.908 Standard practice for the installation of reflective insulation.

(a) *Scope.* (1) This practice covers the installation of reflective (aluminum foil) insulation in ceilings, attics, floors, and

wall cavities of existing residential buildings.

(2) A working knowledge of the terminology and fundamentals of construction, and applicable codes is necessary for the proper application of this standard.

(b) *Pre-Installation Procedures.* (1)

*General.* (i) Identify and examine all visible wiring, junction boxes, and other metallic or electrical equipment in the areas where insulation is to be installed. Do not install selective insulation if the wiring is found to have frayed, cracked, deteriorated or missing electrical insulation.

(ii) Ensure that all electrical equipment in the building is grounded. Do not install reflective (aluminum foil) insulation in building in which electrical equipment is not grounded.

(iii) Identify air supply and return ducts, pipes, electrical wires and other obstructions located in spaces between joists and studs. Ground all metallic heating and air conditioning ducts which may come in contact with the installed insulation. Do not install reflective insulation where metallic heating and air conditioning ducts are not grounded.

Note 1.—Repairs or replacement of electrical wiring to eliminate defects as well as all other electric-related activities are to be carried out only by personnel approved for such work.

Note 2.—Insulation of floors over unheated spaces will cause these spaces to be colder. Accordingly, approximate measures may need to be taken to keep water pipes from freezing during colder weather.

(2) *Attics and Ceilings.* (i) Identify and measure ventilation area in attics. Do not install insulation in attics unless 1 ft<sup>2</sup> (0.1 m<sup>2</sup>) minimum of free ventilation area per 300 ft<sup>2</sup> (30 m<sup>2</sup>) of attic floor area is provided. If the free ventilation area of louvers is not known, assume that it is half of the area of the ventilation opening and increase the opening accordingly.

(ii) Ensure that all ventilation openings have suitable louvers or screens to prevent rain or snow from entering the attic.

(iii) Identify all recessed lighting fixtures (including wiring compartments and ballasts) and other heat producing devices.

(3) *Floors.* (i) Where insulation is to be installed beneath floors over crawl spaces, cover the ground surface with a ground cover which acts as a vapor barrier (such as 6-mil (0.15 mm) polyethylene sheeting lapped at the joints). Turn the ground cover up at least six inches (150 mm) at the walls.

(ii) Where practical in crawl spaces, provide a free ventilation area of one square foot (0.1 m<sup>2</sup>) for every 1500

square feet (150 m<sup>2</sup>) of the ground area of the crawl space. Provide cross-ventilation where possible. (See paragraph (2)(i) for guidance on estimating free ventilation area).

(c) *Installation Procedures.* (1) *General.* (i) Do not install reflective insulation unless the pre-installation procedures have been carried out and any defects which were identified were corrected and their causes eliminated. (ii) Install insulation only between conditioned and unconditioned spaces. (iii) Do not cover recessed lighting fixtures (including wiring compartments

and ballasts) and other heat producing devices so as to entrap heat or prevent free circulation of air unless they are approved for the purpose.

(iv) Handle the insulation materials in accordance with the manufacturer's instructions.

(v) Ensure that the reflective surfaces are free of dirt, oil film, and other surface coatings which can reduce the effective reflectance of the surfaces.

(vi) Install reflective insulation flush or recessed with the framing members as shown in Figures 2 and 3.

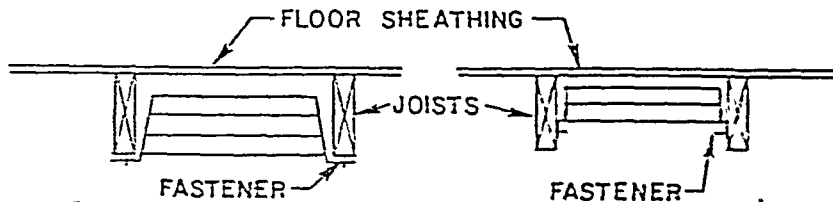


Figure 2. Flush Application

(vii) Secure the insulation in place with aluminum, coated copper-clad steel, plastic, or coated galvanized steel staples.

(viii) Ensure that the insulation is cut to the correct size, fits tightly between joists and studs on all sides and that there are no wrinkles or fishmouths. Where wrinkles and fishmouths cannot be avoided, tape the joint between the insulation and framing members, or between adjacent sections of insulation (in flush installations).

(ix) Ensure that where the material is installed to form multiple reflective air spaces, the spaces measure, at a minimum, ¾ of an inch (19 mm). Maintain the distance between reflective surfaces as uniformly as possible. Reflective surfaces must not touch each other or the thermal performance of the insulation will be reduced.

Figure 3. Recessed Application

(x) Tape and seal all splices and tears in the insulation. Seal all punctures in the insulation by taping reflective material to the damaged area.

(xi) Avoid joints within the length between joist supports or stud spaces. Seal joints which are required with tape.

(xii) Tightly seal the ends of reflective insulation against the surfaces which they contact.

(xiii) Closely fit insulation around plumbing and other obstructions and tape securely to eliminate gaps through which air may pass into the reflective air spaces.

(2) *Walls.* (i) Do not install insulation in contact with the ground or other sources of water.

(ii) Cut the insulation around wall switches and outlet boxes and tape the openings.

(3) *Attics, Ceilings, Floors.* (i) When installing insulation around bridging or cross bracing of ceilings or floor joists, ensure that the insulation material is fitted tightly around these obstructions and that there are no gaps in the insulation.

(ii) Do not cover soffit vents with insulation nor in any other way restrict attic ventilation.

(iii) Install insulation around vents which open into the attic in a manner that will ensure the free movement of air through the vent into the attic.

(iv) Fit the attic side of access doors or panels with a suitable insulation material except where prevented by a retractable ladder.

(d) *Post-Installation Procedures.* (1) Ensure that the reflective insulation provides a continuous and unbroken surface between framing members, that no gaps, tears, and other openings exist, and that all joints are tightly taped.

(2) Ensure that insulation installed in attics does not restrict soffit or other vents which open into the attic.

(3) Ensure that the required clearances around heat-producing devices have been provided.

§ 456.909 Standard practice for the installation of urea-formaldehyde foamed-in-place insulation. [Reserved]

§ 456.910 Certification procedures for the installation of thermal insulation materials.

(a) Upon completion of each installation of thermal insulation materials performed under the circumstances described in the State Plan pursuant to § 456.305, the person responsible for carrying out such installation shall complete, in triplicate, a "Certification of Insulation" form such as exhibited in Figure 1.

(b) *Content.* The "Certification of Insulation" shall contain the following information:

(1) Address of the building;

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## Form 1. CERTIFICATION OF INSULATION

## PART I - GENERAL

ADDRESS OF RESIDENCE: \_\_\_\_\_

NAME AND ADDRESS OF CONTRACTOR: \_\_\_\_\_

DATE OF INSTALLATION COMPLETION: \_\_\_\_\_

## PART II - AREAS INSULATED

WALLS ( \_\_\_\_\_ sq. ft.)

CEILINGS ( \_\_\_\_\_ sq. ft.)

FLOORS ( \_\_\_\_\_ sq. ft.)

TYPE OF INSULATION: \_\_\_\_\_

TYPE OF INSULATION: \_\_\_\_\_

TYPE OF INSULATION: \_\_\_\_\_

MANUFACTURER: \_\_\_\_\_

MANUFACTURER: \_\_\_\_\_

MANUFACTURER: \_\_\_\_\_

R VALUE INSTALLED	AMOUNT INSTALLED

R VALUE INSTALLED	AMOUNT INSTALLED

R VALUE INSTALLED	AMOUNT INSTALLED

## PART III - CERTIFICATION

I, \_\_\_\_\_ (PRINT NAME) certify that the residence identified in PART I was insulated as specified in PART II and the installation was conducted in conformance to applicable codes, standards, and regulations.

\_\_\_\_\_  
Authorized Signature

- (2) Date of completion of installation;
- (3) Name and address of the contractor;
- (4) Insulation type;
- (5) Insulation manufacturer;
- (6) Location and dimension (in square feet) of each space which was insulated;
- (7) The amount of insulation which was installed in each of the locations identified in subparagraph (6) of this paragraph, given in the units in which the material is most commonly available (i.e., the number of batts, bags, etc., of a specified size or the number of square feet, etc.);
- (8) The R value installed in each of the locations identified in paragraph (b)(6) of this section;
- (9) A statement, signed by an authorized individual, certifying that the installation was carried out in conformance to the applicable standard practices, codes, and regulations.

(c) Distribution and Posting Requirements. The "Certification of Installation" shall be distributed and posted as follows:

- (1) One copy shall be permanently affixed to the structure in an accessible but inconspicuous location;
- (2) One copy shall be submitted to the homeowner or building occupant; and
- (3) One copy shall be retained for a period of five years by the agency responsible for the installation.

**§ 456.911 Standard practice for the installation of storm windows, thermal windows, multi-glazing units and storm doors and thermal doors.**

(a) *Scope.* (1) This practice covers the installation of storm windows, thermal windows, multi-glazing units and storm and thermal doors in existing residential buildings.

(2) This practice applies to wood, metal, and plastic framed storm windows or thermal windows, sealed multi-glazing units, storm doors and thermal doors. This practice also applies to multi-glazing systems which include heat absorbing or heat reflecting glazing.

(b) *Safety Precautions.* (1) Do not install window or door devices which would restrict means of egress which are required by applicable codes and regulations.

(2) In doors, sidelights and panels, install only safety glazing in accordance with CPSC requirements given in 16 CFR, Part 1201.

(c) *Storm Windows.* (See Figure 4).

(1) *Pre-Installation Procedures.*

(i) Examine the framing of the prime window to ensure that it is sound, free of decay, and will provide secure anchorage for the storm window frames.

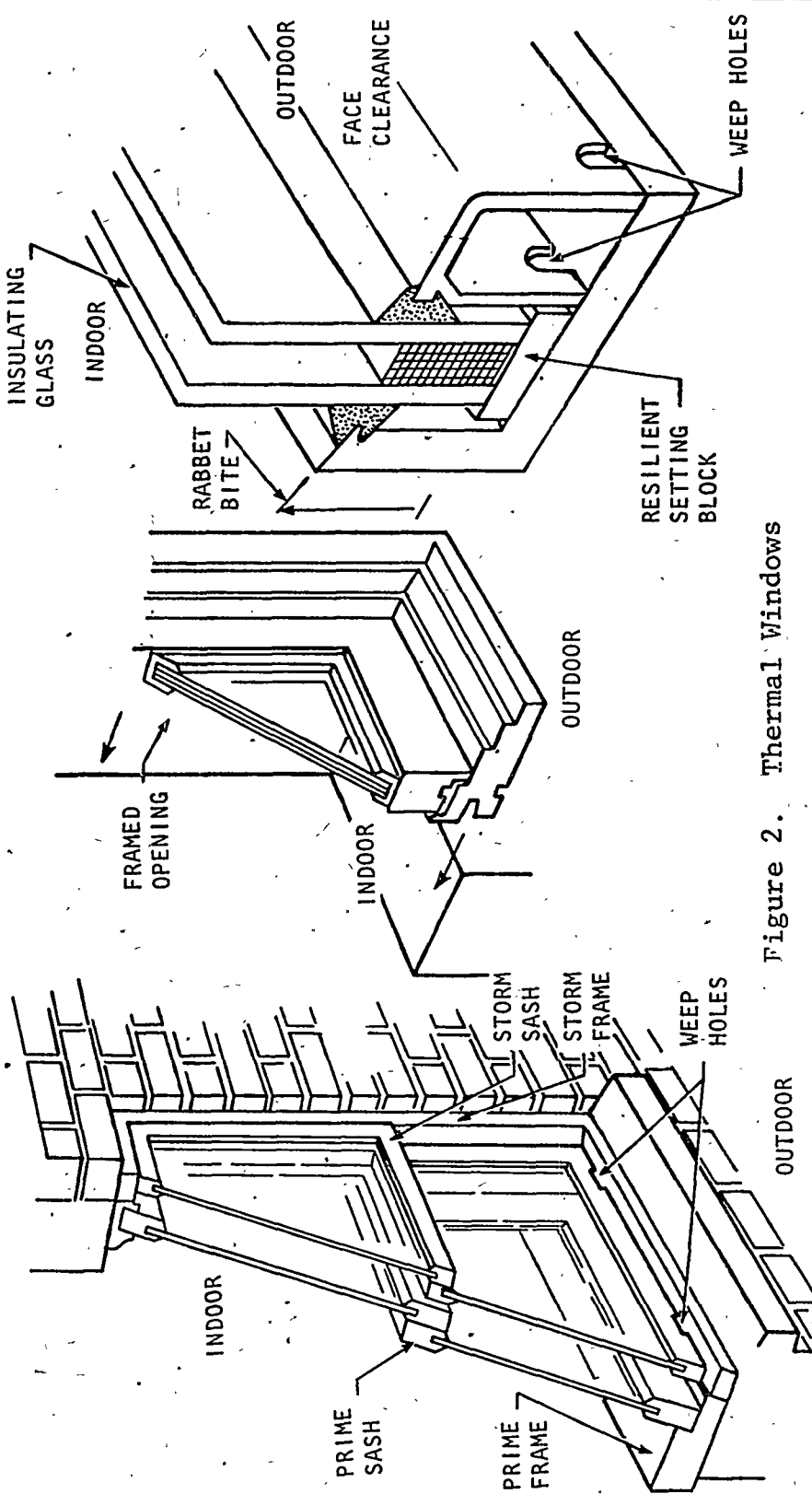


Figure 2. Thermal Windows

Figure 3. Multi Glazing

Figure 1. Storm Windows

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(ii) Examine and repair weatherstripping and sealant of the prime window.

Note 1.—Where the prime window is not weatherstripped, it is recommended to install weatherstripping.

(iii) Ensure that the frame contact areas are free of protrusions that would interfere with proper installation of the storm windows.

(iv) Measure and plumb the prime window or its opening in accordance with the manufacturer's instructions, noting if it is out of square or not in plane.

(v) Ensure that the storm window is the correct size and type for the opening, including tolerances and provisions for adjustment to "out-of-squareness."

Note 2.—Aesthetically, it is desirable that the meeting rails or stiles of storm windows align with the meeting rails or stiles of the prime window.

(vi) Ensure that the storm window has not been damaged during shipping or assembly.

(vii) Ensure that adequate weepage is provided for exterior storm windows.

(2) *Installation Procedures.* (i) Do not install storm windows unless the pre-installation procedures have been carried out and any defects which were identified were corrected and their causes eliminated.

(ii) Give a liberal brush treatment of commercially available water repellent preservative to all cut or planed edges of wood storm windows.

(iii) Position storm windows to provide a minimum gap of ½ inch (13 mm) between the prime and storm glass.

(iv) Where both the storm and prime windows are metal, either position the storm window frame so it does not contact the prime window frame or secure a nonmetallic spacer between the prime and storm window frames.

Note 3.—The following materials are examples of acceptable spacers: ½ in. (3.2 mm) thick spacers of water repellent preservative treated wood, vinyl; rubber; or high density polyurethane.

(v) Secure aluminum storm windows only with aluminum or compatible stainless steel fasteners to avoid galvanic corrosion.

(vi) In exterior installed storm windows, seal the joints at jambs and head to resist rain penetration.

(vii) Seal indoor storm windows to provide greater airtightness than that of the prime window.

(3) *Post-Installation Procedures.* (i) Ensure that all weep holes are clear and provide complete drainage of the sill area.

(ii) Check removable storm windows for ease of removal and reinstallation. Ensure that storm windows fit snugly with minimal apparent opportunity for air leakage through perimeter cracks.

(iii) Ensure that operable storm sash move freely within the storm frame and that all hardware operates properly.

(d) *Thermal Windows.* (See Figure 5).

(1) *Pre-Installation Procedures.* (i) Examine the existing window opening for signs of decay, corrosion or other deterioration.

(ii) Measure and plumb the window opening in accordance with the manufacturer's instructions, noting if it is out of square or not in plane to ensure the unit can be installed plumb, square and level.

(iii) Check for damage to interior finishes. If water damage is found to be caused by leakage from the outside, as opposed to condensate, locate the source of the leakage and establish whether replacing the window will correct the problem. If replacing the window will not correct the problem, take necessary corrective measures prior to installing the thermal window.

(iv) Ensure that the thermal windows are the correct size and type for the openings, including tolerances and provisions for adjustments to "out-of-squareness".

(v) Ensure that no thermal windows are damaged and, where sealed glass units are used, that their inside surfaces are free of condensation, fogging, or staining.

(vi) Ensure that the frames are free of any burrs or splinters, that the sash operate freely within the frame and latch securely, and that the weatherstripping is properly installed in all locations specified.

(2) *Installation Procedures.* (i) Do not install thermal windows unless the pre-installation procedures have been carried out and any defects which were identified were corrected and their causes eliminated.

(ii) Remove the existing window in a manner that will minimize damage to the remaining construction. Remove all fasteners and clear the frame opening of obstructions or protrusions that would interfere with the installation of the thermal window.

(iii) Examine exposed wall frame and remaining window construction and replace unsound material.

(iv) Where the existing window openings are reframed to a smaller size, insulate the voids between framing members and the window. Install a vapor barrier on the room side of the insulation.

(v) Install flashing at the head, jambs, and sill of the window as required to

preclude the penetration of water into the wall cavity.

(vi) If a wood thermal window requires planing or cutting, finish all cut edges in accordance with paragraph (d)(2)(ii) of this section.

(vii) Anchor the unit in accordance with the manufacturer's instructions. Ensure that clearances specified in the manufacturer's instructions are maintained.

(viii) For aluminum units use only aluminum or compatible stainless steel anchors and fasteners.

(ix) Shim the thermal window as necessary to ensure it is plumb, square, and level.

(x) Separate metal thermal windows from incompatible materials (such as siding or frames of dissimilar metals) in the structure or frame with a nonmetallic spacer (see Note 3).

(xi) Fill all gaps of ¼ inch (6 mm) or more with backup or filler materials, such as nonabsorbing foam or sponge, before installing sealant.

(xii) Seal the joints between the supporting structure and window frame, using one of the following sealants: acrylic, butyl, chlorosulphonated polyethylene, polysulfide, polyurethane, or silicone. Apply sealants in accordance with the sealant manufacturer's instructions. Use only sealant materials which the manufacturer recommends for the intended application.

Note 1.—The seal between the supporting structure and the window frame should not be to a loose covering, such as siding or shingles, but to the sheathing below.

(3) *Post-Installation Procedures.* (i) Ensure that the sash move freely within the frames and that all hardware operates correctly.

(ii) Ensure that the window frame and sash are square, plumb, and level.

(iii) Ensure that all weatherstripping makes full contact with mating surfaces.

(e) *Multi-Glazing—Sealed Insulating Glass.* (See Figure 6).

(1) *Pre-Installation Procedures.* (i) Measure and plumb the opening for the sealed insulating glass unit. Note if it is out of square or not in plane.

(ii) Inspect the opening to ensure that there are no burrs, dirt, or deformation of glazing channels which may cause stress concentrations in the glass.

(iii) To prevent the prolonged exposure of sealed insulating glass edges to moisture, ensure that adequate weep holes are incorporated in the glazing system as recommended by the sealed insulating glass manufacturer.

Note 2.—Three (3) weep holes ⅜ inch (10 mm) or more in diameter, one each near the

jamb and one in the middle have been recommended by one manufacturer.

(iv) Ensure that clearances and nominal "bite" (containment of the glass) are as specified by the manufacturer.

(v) During handling place cushioning material between the glass and hard materials, and do not set the glass on hard surfaces or turn it on its corners. This can damage the glass or seal, or both.

(vi) Ensure that neither the glass nor the edge seal are damaged, and that the units exhibit no signs of fogging and condensation. Do not install defective units.

(2) *Installation Procedures.* (i) *Face Glazed Systems.* (A) Do not install sealed insulating glass units unless the pre-installation procedures have been carried out and any defects which were identified were corrected and their causes eliminated.

(B) Set the glass on two identical setting blocks of Shore A durometer 90 neoprene or equivalent material. The blocks are to be located equidistant from the center of the edge, preferably at the quarter points. They may, however, be moved towards the vertical edges but not closer than six (6) inches (150 mm) or one-eighth (1/8) the glass width, whichever is greater.

(C) Do not locate setting blocks so as to obstruct the weep holes provided in the glazing system.

(D) Use setting blocks that are narrower than the full channel width but that are at least 1/16 in. (1.5 mm) wider than the insulating glass and high enough to ensure minimal edge clearance but provide required bite for the glass.

(E) Install sealed insulating glass units containing heat absorbing or reflective glass so that the heat absorbing or reflective sheet is the outermost sheet. This allows the heat absorbing glass to radiate the greater part of absorbed heat to the outdoors, and the reflective glass to reflect the greater part of the incoming solar radiation to the outdoors. Follow all additional precautions for installation prescribed by the manufacturer of the heat absorbing or reflective glass.

(F) Where necessary, set jamb blocks in place before installing glass to ensure proper lateral positioning of the glass. Maintain recommended clearances and bite.

(G) Use only continuous resilient spacers to maintain face clearances. Do not use intermittent shims.

(H) Install only glazing sealants that are resilient, nonhardening compounds, tapes, or gaskets. Install only those

sealants recommended by the manufacturers of the unit and sealants recommended by their manufacturer for the intended use.

(I) Install glazing compounds with a slope so as to ensure rainwater runoff.

(ii) *Channel (Marine) Glazed Systems.*

(A) Apply the wrap-around vinyl or neoprene in one piece around the entire perimeter of the sealed insulating glass, ensuring that the glass is engaged by the full channel depth of the wrap-around vinyl. Ensure that the seam in the wrap-around vinyl occurs at the head of the unit.

(B) Prevent corner bulges of wrap-around vinyl or neoprene, and provide for water drainage by a 90° cutout.

(C) Install only gaskets with a slope to ensure rainwater runoff.

(D) Install heat absorbing or heat reflective glass in accordance with the requirements of paragraph (2)(i)(E) above.

(3) *Post-Installation Procedures.* (i) Ensure that weep holes are not blocked.

(ii) Ensure that gaskets and sealants are properly installed.

(f) *Storm Doors.* (1) *Pre-Installation Procedures.* (i) Examine the framing of the prime door to ensure that it is sound, free of decay, and provides secure anchorage for the storm door.

(ii) Ensure that the frame contact areas are free of protrusions that would interfere with proper installation of the storm door.

(iii) Measure and plumb the door opening in accordance with the manufacturer's instructions, noting if it is out of square or not in plane.

(iv) Ensure that the storm door is the correct size and type for the opening, including tolerances and provisions for adjustment to "out-of-squareness."

(v) Ensure that the storm door has not been damaged.

(vi) Ensure that the storm door meets applicable standards for safety glazing.

(vii) Ensure that adequate weepage is provided on exterior storm doors.

(2) *Installation Procedure.* (i) Do not install storm doors unless the pre-installation procedures have been carried out and any defects which were identified, were corrected and their causes eliminated.

(ii) If required for proper fit, adjust the storm doors or their frames to the size and "out-of-squareness" of prime door frames.

(iii) Give a liberal brush treatment of commercially available water repellent preservative to all cut or planed edges of wood storm doors.

(iv) Anchor the storm doors to the framed openings in accordance with the manufacturer's instructions. Secure aluminum storm doors only with

aluminum or compatible stainless steel fasteners to avoid galvanic corrosion.

(v) Install the door catches, closers, and chains in accordance with the manufacturer's instructions.

(vi) Install weatherstripping in accordance with the manufacturer's instructions.

(vii) Maintain a gap of at least 1/16 in. (1.5 mm) between the wood storm door and the frame openings unless otherwise specified by the manufacturer.

(viii) For an expander type aluminum storm door, ensure that the expander edges are flush with the frame opening. Secure the expander edges using hardware and fasteners compatible with aluminum.

(ix) Seal the joint between the storm door frame of a pre-hung storm door and the framed opening to prevent rain penetration.

(3) *Post-Installation Procedures.* (i) Ensure that adequate drainage is provided to prevent water accumulation at the sill.

(ii) Ensure that the storm door operates freely and does not bind when closed.

(iii) Ensure that the weatherstripping is installed properly and forms a weathertight seal.

(iv) Ensure that the closer and chain assemblies operate properly, that the door handles and latch assemblies properly secure and lock the storm door, and that hardware of the storm doors does not interfere with the operation of the prime doors.

(v) If the storm door includes an operable sash, ensure that the sash operates properly.

(g) *Thermal Doors.* (1) *Replacement of Door Leaf Only.* (i) *Pre-Installation Procedures.* (A) Examine the existing door frame to ensure that it is sound, free of decay or corrosion, and provides secure anchorage for the thermal door.

(B) Ensure that the frame contact areas are free of protrusions that would interfere with the proper installation of the thermal door.

(C) Measure and plumb the door opening in accordance with the manufacturer's instructions, noting if it is out of square or not in plane.

(D) Ensure that the thermal door is the correct size and type for the opening, including tolerances and provisions for adjustment to "out-of-squareness."

(E) Ensure that the thermal door has not been damaged.

(ii) *Installation Procedure.* (A) Do not install thermal doors unless the preinstallation procedures have been carried out and any defects which were identified, were corrected and their causes were eliminated.

(B) Give a liberal brush treatment of commercially water repellent preservative to all cut or planed edges of wood replacement doors.

(C) Anchor the thermal door to the existing frame in accordance with the manufacturer's instructions. Secure steel thermal doors with plated steel fasteners and aluminum thermal doors with aluminum or stainless steel fasteners to avoid galvanic corrosion. Install lock hardware in accordance with the lock manufacturer's installation instructions.

(D) Maintain a clearance of at least  $\frac{1}{16}$  inch (1.5 mm) between the thermal door and the door opening unless otherwise specified by the manufacturer.

(E) If the threshold does not seal tightly against the bottom cap of the thermal door, replace the threshold.

(iii) *Post-Installation Procedures.* (A) Ensure that adequate drainage is provided to prevent water accumulation at the threshold.

(B) Ensure that the thermal door operates freely and does not bind when closed.

(C) Ensure that weatherstripping is installed properly and forms a weathertight seal.

(D) Ensure that the threshold is adjusted to provide a tight seal against the bottom edge of the door.

(E) Ensure that door catches, handles, and latch assemblies properly secure and lock the replacement door.

(F) Ensure that the entire wood door including top and bottom edges is painted, varnished or sealed as required.

(2) *Replacement of Door Frame.* (i) *Pre-Installation Procedures.* (A) Remove the existing door frame in a manner that will minimize damage to the remaining construction. Remove all fasteners and clear damage to the remaining construction. Remove all fasteners and clear the frame opening of obstructions or protrusions that would interfere with the installation of the replacement door frame.

(B) Examine the existing rough framing for signs of decay, corrosion, or other deterioration to provide secure anchorage for the replacement frame.

(C) Measure and plumb the door opening, and note if it is out of square or not in plane.

(D) Ensure that the replacement frame and/or its parts have not been damaged.

(ii) *Installation Procedure.* (A) Do not install replacement door frames unless the pre-installation procedures have been carried out, any identified defects corrected and their causes eliminated.

(B) Give a liberal brush treatment of commercially available water repellent

preservative to all cut or planed edges of replacement door frames.

(C) Install flashing at head, jambs and sill as required to preclude the penetration of water into the wall cavity.

(D) Anchor the replacement door frame to the rough opening. Secure wood and steel frames with plated steel fasteners and aluminum frames with aluminum or stainless steel fasteners to avoid galvanic corrosion.

(E) Shim frame to provide an opening that is plumb and square, giving particular attention to jamb at lockstrike and hinges.

(F) Seal the joints between the supporting structure and replacement door frame in accordance with the provisions of paragraph (d)(2)(x) and (xi).

(G) Install the door leaf in accordance with paragraph (i)(1). Do not prepare the door frame for lock hardware until the installation of the door leaf.

(iii) *Post-Installation Procedures.* (A) Ensure that adequate drainage is provided to prevent water accumulation at the sill.

(B) Ensure that the replacement frame provides an opening that is plumb and square.

(C) Ensure that weatherstripping is installed properly and forms a weathertight seal.

(D) Ensure that all parts of a wood frame are painted, varnished, or sealed as required.

(3) *Pre-Hung Doors.* (i) *Pre-Installation Procedures.* Conduct pre-installation inspection and preparation according to the provisions of paragraph (g)(2)(i) of this section.

(ii) *Installation Procedure.* (A) Conduct installation according to the provisions of paragraph (g)(2)(ii) of this section.

(B) Do not use excessive force when installing the pre-hung door into the opening.

(C) Anchor the pre-hung door to the opening in accordance with the manufacturer's instructions.

(iii) *Post-Installation Procedures.* Conduct post-installation inspection according to the provisions of paragraphs (g)(1)(iii) and (g)(2)(iii) of this section.

§ 456.912 Standard practice for the installation of insulation on gas-fired, oil-fired, and electric resistance water heaters.

(a) *Scope.* This practice covers the installation of insulation around gas-fired, oil-fired, and electric resistance water heaters.

(b) *Pre-installation Procedures.* (1) *General.* Determine the fuel type (gas, electric, oil) of the water heater.

(2) *Electric Resistance Water Heater.* Determine the location of the pressure relief valve, thermostat control, and hi-limit switch (see Figure 7).

(3) *Gas-Fired Water Heater.* (i) Determine whether the gas-fired water heater is equipped with a vent damper. Do not insulate gas-fired water heaters so equipped.

(ii) Determine the location of the pressure relief valve and draft hood on the water heater (see Figure 8).

(iii) Determine the location of the burner air inlet, pilot light access plate, and drain valve (see Figure 8).

(4) *Oil-Fired Water Heater.* (i) Determine the location of the pressure relief valve, vent pipe, and barometric draft gauge (see Figure 9).

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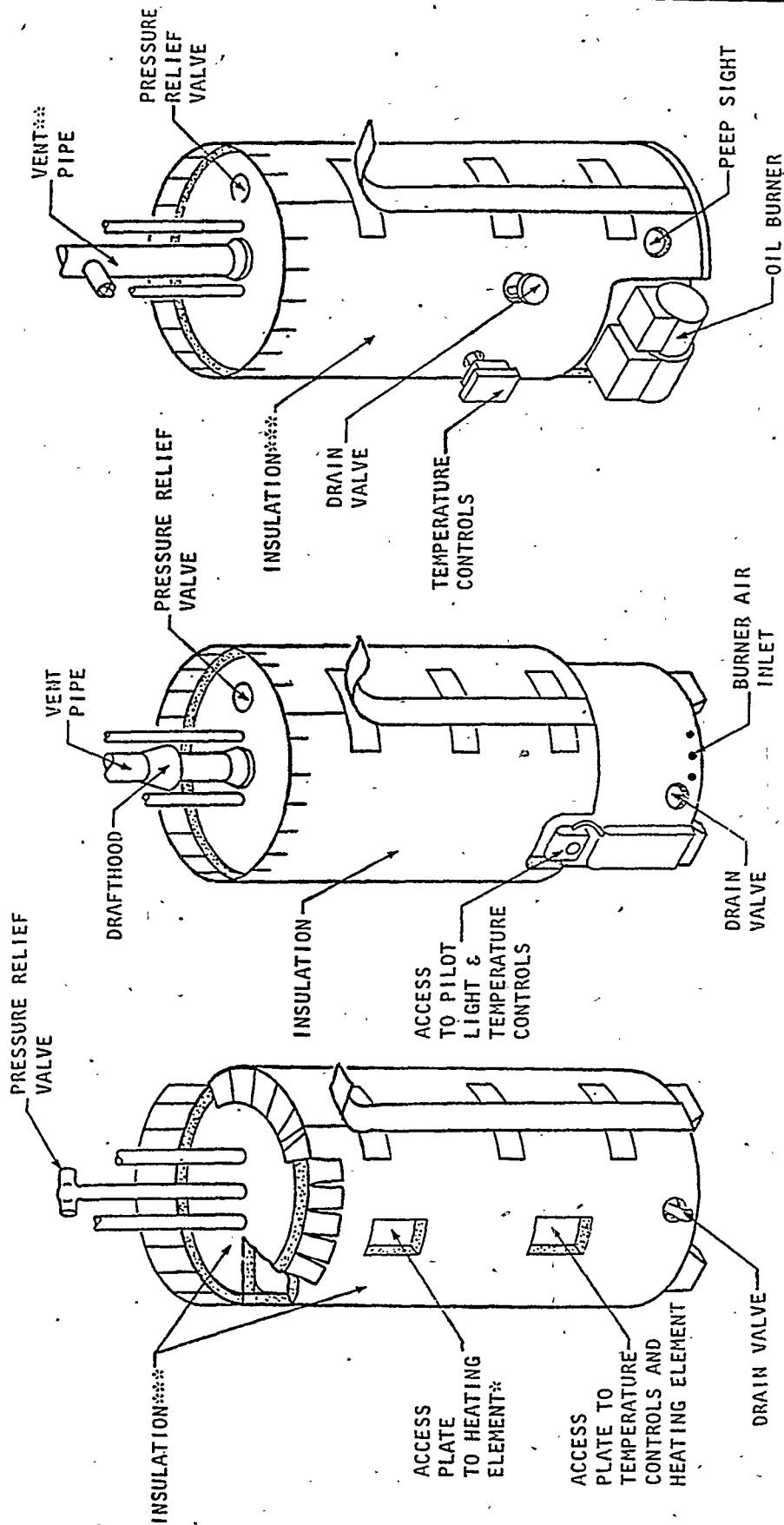


Figure 7. Electric Water Heater Figure 8. Gas-Fired Water Heater Figure 9. Oil-Fired Water Heater

\* Only found on water heaters with two heating elements.

\*\* The pipe may be side-mounted.

\*\*\*Top insulated on all electric water heaters and oil-fired water heaters with side-mounted flue pipes.

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(ii) Determine the location of the thermostat control, peep sight and drain valve (see Figure 9).

(c) *Installation Procedures.* (1)

*General.* (i) Do not install insulation unless the pre-installation procedures have been carried out.

(ii) Handle insulation in accordance with manufacturer's instructions and keep dry and free of extraneous materials.

(iii) Apply the insulation to the water heater with the facing to the outside.

(iv) Secure the sections of insulation to the water heater using a tape of the size and type recommended by the insulation manufacturer.

(v) Do not install insulation over the water heater operating instructions and other components identified below.

(2) *Electric Resistance Water Heater.*

(i) Install insulation on the sides and top plate of the water heater.

(ii) Cut the insulation to leave holes for the pressure relief valve, thermostat control, hi-limit switch, plumbing pipes and other necessary access plates.

(3) *Gas-Fired Water Heater.* (i) Do not install insulation on the top plate of gas-fired water heaters.

(ii) Cut the insulation to leave holes for the burner air inlet, thermostat control, pilot light access plate, drain valve, plumbing pipes and other necessary access plates.

(4) *Oil-Fired Water Heaters.* (i) If the vent pipe is top-mounted, do not install insulation on the top plate of the water heater.

(ii) If the vent pipe is side mounted, maintain the minimum vent connector clearances specified in the latest edition of NFPA 211, Standard for Chimneys, Fireplaces, and Vents.

(iii) Cut the insulation to leave holes for the pressure relief valve, thermostat control, flame peep sight, burner access plate, drain valve, plumbing pipes and other necessary access plates.

(d) *Post-installation Procedures.* (1) Ensure that the insulation is securely attached to the water heater.

(2) Ensure that the required clearances have been maintained around vent pipes and that insulation has not been installed on the top of oil-fired water heaters which have a top-mounted vent pipe or gas-fired water heaters.

(3) Ensure that air inlets, access plates, drain valves, temperature controls, and pressure relief valves are not covered by insulation.

§ 456.913 Standard practice for the installation of replacement oil burners.

(a) *Scope.* (1) This practice provides minimum requirements for the installation of replacement oil burners for the purpose of significantly reducing

the amount of fuel oil consumed by increasing combustion efficiency and reducing firing rate. It is intended for use on warm air, hot water, and steam systems, but does not cover firing rate reductions for steam heating systems.

(2) This practice covers the installation process from pre-installation inspection for inefficient operation through post-installation tune-up for best efficiency. Special considerations for maximizing system efficiency are emphasized.

(3) This practice is intended for use by approved installers. It outlines the general procedure to be followed, but leaves the detailed step-by-step methodology to the approved installers. It is therefore not intended for use by the general public or by untrained persons, since such use may be unsafe or result in damaged equipment.

(b) *Tune-up and Evaluation of Existing Burner.* (1) Clean, adjust, and measure the efficiency of the existing burner. Carry out the following procedures:

(i) Clean soot from heat transfer surfaces.

(ii) Seal air leaks around burner tube, clean-out doors, and seal secondary air dampers and firing doors on converted coal burners.

(iii) Clean or replace air filter.

(iv) Clean or replace oil filters.

(v) Check flame ignition. Ignition should be nearly instantaneous. Adjust electrodes or make other repairs necessary to achieve nearly instantaneous ignition.

(vi) Observe flame color. Repair or adjust burner to achieve an acceptable flame color for the type of furnace being evaluated.

(vii) Observe flame shape. If the flame is lopsided or distorted, replace the nozzle, adjust the electrodes or repair the air cone.

(viii) Check for flame impingement on walls of furnace or combustion chamber. Correct impingement resulting in soot or petroleum coke deposits on the target wall.

(ix) Check for flame cut off. The flame should disappear within three seconds of cut off. If the flame lingers check that the burner is level. It may be necessary to install an oil supply line solenoid to insure rapid cut off.

(x) If possible check the nozzle size, type, and spray angle against the burner specifications recommended by the manufacturer. Manufacturers' nozzle specifications should always be followed.

(xi) Start the burner. Determine and correct the cause of any abnormal starting of running noise.

(xii) Measure either flue or over-fire draft as specified by the manufacturer. Adjust draft regulator to provide the manufacturer specified draft. Ensure the draft regulator is operating smoothly.

(xiii) Check oil supply pressure.

Adjust pressure regulator to manufacturer's specification.

(xiv) Check oil pressure entering pump. Reading should be two to six inches of mercury vacuum when the tank is below the burner and zero or above when the tank is above the burner. If there is a low reading, correct a possible restriction in the fuel supply.

(xv) Allow the burner to run at least 15 minutes to reach a steady state operating condition. Check for odor at observation port and draft regulator and, if appropriate, correct improper draft, improper venting, or a defective nozzle.

(xvi) Adjust the air gate to give a smoke reading of #1 or greater when measured in accordance with the procedure outlined in American National Standard ANSI/ASTM D2156-65 (1975 [after (xvii) has been completed, restore burner to a smoke reading of #1 or less].)

(xvii) Measure the flue gas temperature and the percentage of CO<sub>2</sub> in the flue gas through a 1/4" diameter hole in the flue located between the barometric draft regulator and the furnace outlet.

(xviii) Using Figures 10 or 11 determine the steady state efficiency of the furnace from the flue gas temperature and percent CO<sub>2</sub> concentration. As an alternative, steady state efficiency may be calculated using the procedures given in Appendix A.

(c) *Replacement Criteria.* (1) Replace the burner only if the estimated savings resulting from installation of a more efficient burner will pay for the cost of the replacement burner. If the savings calculated in Table (2) below, multiplied by the homeowner's desired payback period in years exceed the total cost of burner replacement (labor plus parts), the burner should be replaced.

(2) Table 2 shows the annual dollar savings per \$100 of annual fuel costs that can be achieved by increasing furnace efficiency. The efficiency of the furnace with a new burner conforming to the requirements of ANSI Z91.2 may be estimated by assuming a stack CO<sub>2</sub> concentration of 10 percent and a stack temperature equal to that measured in (b)(1)(xviii). If the burner manufacturer specifies a CO<sub>2</sub> concentration greater than 10 percent for his burner when tested in accordance with ANSI Z91.2, this should be used instead of the minimum value of 10 percent which that standard requires.

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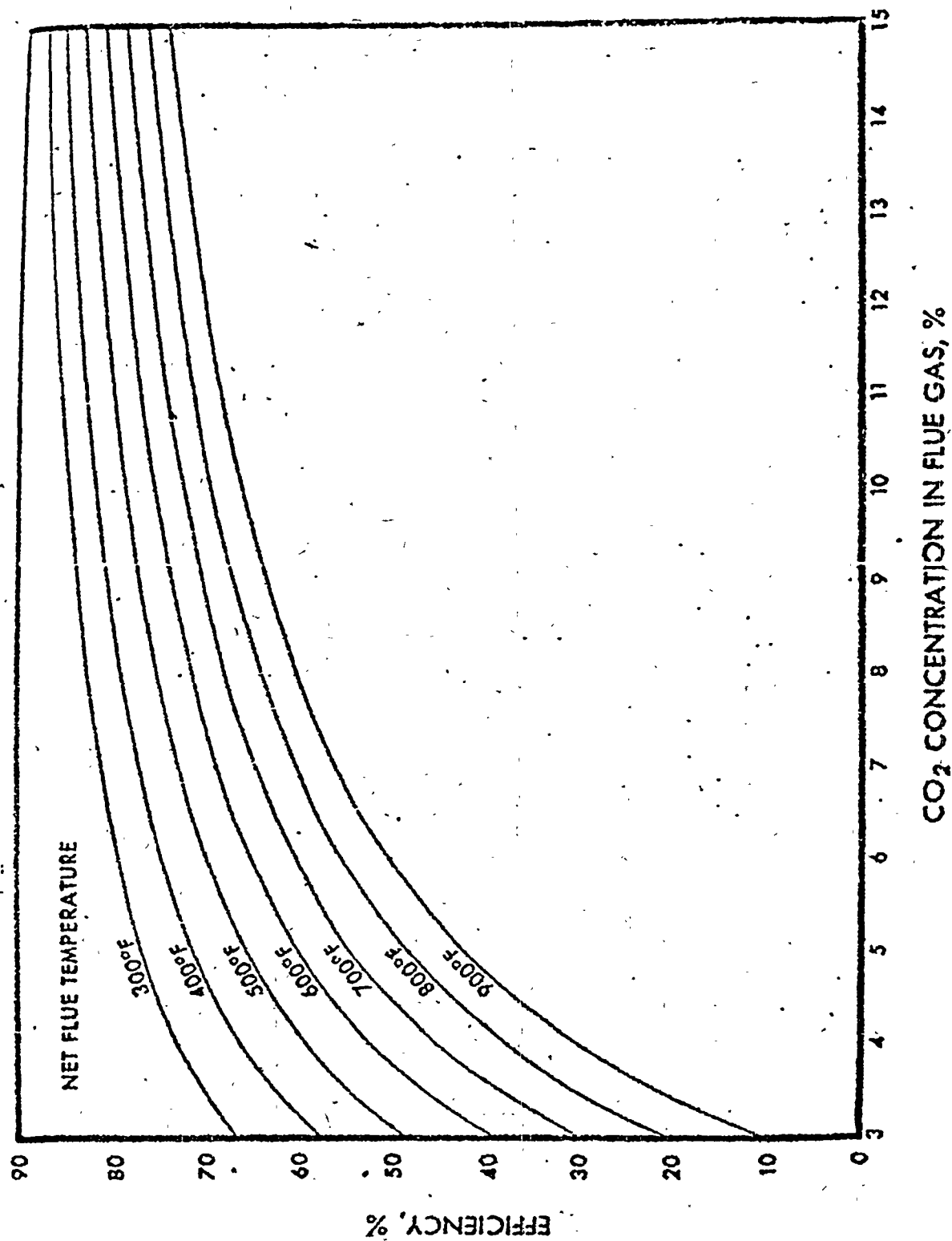


Figure 10. Effect of net flue temperature and percent CO<sub>2</sub> on efficiency for furnaces operating on No. 1 heating oil.

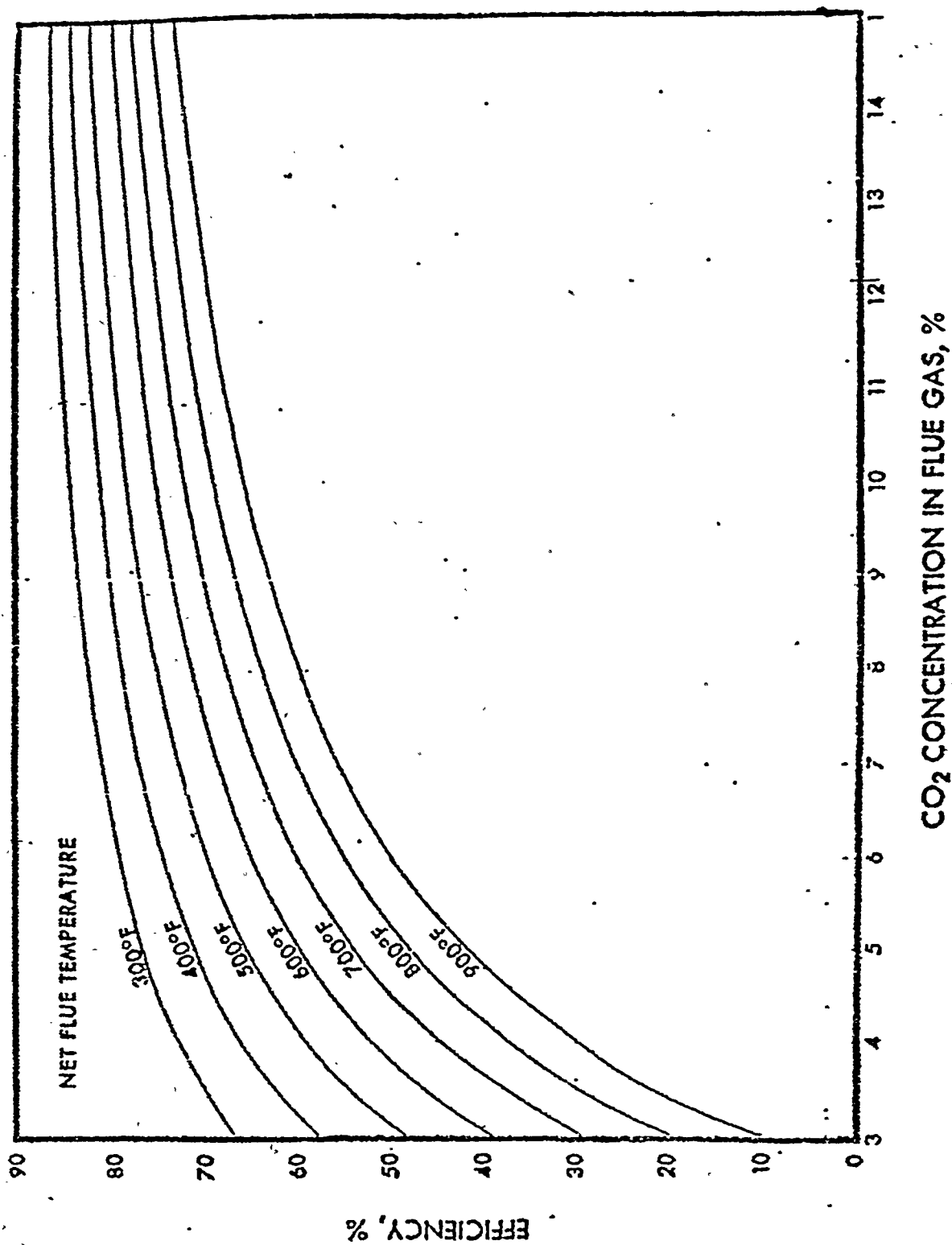


Figure 11. Effect of net flue temperature and percent CO<sub>2</sub> on efficiency for furnaces operating on No. 2 heating oil.

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Table 2.—Annual Dollar Savings Per \$100 of Annual Fuel Cost as a Result of Increased Furnace Efficiency

From original efficiency * of	To an increased efficiency of (percent)						
	74	76	78	80	82	84	86
Percent:							
50.....	\$32.40	\$34.20	35.90	\$37.50	\$39.00	\$40.50	\$41.90
52.....	29.70	31.60	33.30	35.00	36.60	38.10	39.50
54.....	27.00	28.90	30.80	32.50	34.10	35.70	37.20
56.....	24.30	26.30	28.20	30.00	31.70	33.30	34.90
58.....	21.60	23.70	25.60	27.50	29.30	31.00	32.60
60.....	18.90	21.10	23.10	25.00	26.80	28.60	30.20
62.....	16.20	18.40	20.50	22.50	24.40	26.20	27.90
64.....	13.50	15.80	17.90	20.00	22.00	23.80	25.60
66.....	10.80	13.20	15.40	17.50	19.50	21.40	23.30
68.....	8.10	10.50	12.80	15.00	17.10	19.00	20.90
70.....	5.40	7.90	10.30	12.50	14.60	16.70	18.60
72.....	2.70	5.30	7.70	10.00	12.20	14.30	16.30
74.....		2.60	5.10	7.50	9.80	11.90	14.00
76.....			2.60	5.00	7.30	9.50	11.60

\* The original furnace efficiency is the value calculated in paragraph (b)(1)(viii) of this section.

As an example, if the original stack conditions were 6 percent CO<sub>2</sub> and 500°F (72 percent efficiency) and the manufacturer of the replacement burner stated that 12 percent CO<sub>2</sub> was obtainable with his burner, the assumed new conditions with the replacement burner installed would be 12 percent CO<sub>2</sub> and 500°F (81 percent efficiency).<sup>\*</sup> Using these two values an estimated annual saving of \$11.10 per \$100 of annual fuel cost can be read. If the annual fuel costs were \$500, the annual savings would be \$11.10 x 5 = \$55.50. If the desired payback period were seven years, the total savings justifying burner replacement would be \$55.50 x 7 = \$388.50. In this example the burner should be replaced if the total

Minimum nozzle size = 
$$\frac{(65 - T_D)}{(K\text{-factor})(24)} \times \frac{\text{Efficiency of Furnace Measured in (b)(1)(viii)}}{\text{Expected Efficiency of Furnace with New Burner as calculated in (c)(2)}}$$

Where T<sub>D</sub> is the local outdoor design temperature in °F and the K-Factor is in degree days per gallon of oil. If the outdoor design temperature is not known, refer to Chapter 33 of the SHRAE Handbook and Product Directory—1977 Fundamentals. Use the .5 percent values for the nearest weather station listed. The winter K-factor is an average value derived over one or more complete heating seasons. The K-factor for a residence is defined as the number of degree days occurring

<sup>\*</sup> Instructions for calculating furnace efficiency given in Appendix A, Steady State Efficiency.

replacement cost (labor plus parts) is less than \$388 and should not be replaced if the total replacement cost is more than \$388. Use an additional average savings of \$5.80 per \$100 of annual fuel cost in the payback period calculation if the firing rate of the new burner is optimized as described in paragraph (d)(1) of this section and the resulting value is smaller than the original firing rate by 20 percent or more [see paragraph (d)(1) of this section].

(d) Selection of Replacement Burner.

(1) Determine design nozzle size. Using the local outdoor design temperature for the area and the measured average winter K-factor for the residence (degree days per gallon) determine the minimum nozzle size by the formula:

in a time period divided by the total number of gallons of oil used during the same period to maintain a house at its normal thermostat setting. Determine from the occupant whether storm windows or a substantial amount of new insulation has been installed since the last heating season. If so, the calculation of the K-factor with the above formula may be too low and must be adjusted accordingly. If the heat requirement of the house has been significantly reduced by insulation or storm windows, it may also be possible to reduce the cut-off set point of the

aquastat on hot water boilers by 10° to 20° F to reduce standby heat losses. This setback may not be desirable, however, if the boiler is used to heat domestic hot water. Thermostat setback is to be encouraged as an additional energy conservation practice. If the owner plans to practice nighttime setback, in order to insure adequate temperature recovery, increase the size of the burner replacement nozzle by adding a value in gallons per hour equal to the heated house floor area in square feet, times the pickup capacity factor (PCF), divided by 140,000, where PCF is given by the following table:

Outdoor design temperature, °F:	Pickup capacity factor, ° Blu/hour/sq. foot floor area
40.....	9.5
30.....	13.0
20.....	14.9
10.....	15.8
0.....	17.0
-10.....	17.7
-20.....	18.8

\* This table is based upon a 10° thermostat setback and a 2-hour pickup time.

- Select a nozzle that gives the spray pattern and angle recommended by the manufacturer of the replacement burner that is not larger than the original nozzle.
- (2) Choose the replacement burner recommended by its manufacturer for use with the design nozzle size calculated in paragraph (d)(1) of this section.
- (3) Do not select a flame retention replacement burner for use on a hot water or steam boiler equipped with stainless steel combustion chambers. Higher temperature levels produced by high performance flame retention burners may cause the combustion chamber to burn out.
- (e) Installation of Replacement Burner. (1) Install fixed firing rate replacement burners with a nozzle of the size calculated in paragraph (d)(1) of this section.
- (2) Replace the burner in accordance with the manufacturer's instructions following normal, good installation practices.
- (3) It is anticipated that most burner replacements will involve replacing a conventional burner with a high speed, flame retention head burner. If this is done, the combustion chamber must be brought into conformance with the burner manufacturer's specifications for

size and design. In addition, the combustion chamber material must have a minimum rating of 2300°F (most existing chambers for conventional burners have a rating of 1800°F).

(4) Check that the completed installation is in conformance with all local and state building and fire safety codes. Where local codes do not exist verify conformance with American National Standard Installation of Oil Burning Equipment, Z95.1-1974 (NFPA No. 31-1974).

(5) Test-operate the installed burner and measure its efficiency following the guidelines of U.S. Environmental Protection Agency Report No. EPA 600/2-75-069a (October 1975), "Guidelines for Residential Oil Burner Adjustments." If the replacement burner results in an appreciable reduction in stack temperature, the stack switch heat controls (if the unit is so equipped) for ignition cutoff may need to be readjusted.

(6) The temperature of the combustion gases entering the draft regulator must be at least 370°F for chimneys enclosed within the insulated structure to prevent condensate and subsequent corrosion. The temperature of the combustion gases entering the draft regulator must be at least 450°F if 2 or 3 sides of the chimney are exposed to an outdoor ambient design temperature of 0°F or

less to prevent condensation and freezing within the chimney. If the temperature of the combustion gases entering the draft regulator is below the specified minimum value, fit a larger nozzle to increase that temperature.

(f) *Data to be Recorded.* Record the following information in duplicate and leave one copy with the owner and one as a tag attached to the equipment.

(1) Date of replacement.  
(2) Identity of installing mechanic and company.

(3) The original burner make, model, model number, and nozzle size.

(4) The replacement burner make, model number, and nozzle size.

(5) The number and size of any additional nozzles tried in the replacement burner.

(6) Other modifications to the unit.

(7) The initial and final CO<sub>2</sub> net stack temperature, efficiency, and smoke readings.

\$ 456.914 Standard practice for the installation of vent dampers and electric ignition devices. [Reserved]

#### Appendix A to Subpart I, Part 456—Steady State Efficiency

The steady state efficiency of the furnace may be determined directly from Table 1 for furnaces using No. 2 fuel oil.

Alternatively the following equations may be used to calculate the furnace efficiency:

$$N_{SS} = 100 - L_{L,A} - L_{S,SS,A}$$

$$R_{T,F} = A + \frac{B}{X_{CO_2,S}}$$

$$L_{S,SS,A} = \frac{100}{HHV_A} \sum_{i=1}^5 \left[ (1 + A/F) (CF(i) + (A/F) (R_{T,F} - 1) (CA(i))) \times [(TF,SS + 460)^i - (TRA + 460)^i] \right]$$

Where:

$N_{SS}$  = Steady state, full load efficiency %

$L_{L,A}$  = Average latent loss, % = 6.55 for No. 1 oil  
6.50 for No. 2 oil

$L_{S,SS,A}$  = Average sensible heat loss, %

$R_{T,F}$  = Ratio of combustion air to stoichiometric air

$X_{CO_2,F}$  = Concentration by volume of CO<sub>2</sub> present in dry flue gas, %

$T_{F,SS}$  = Flue gas temperature at steady-state, °F

$T_{RA}$  = Ambient temperature in furnace room, °F

Additional required constants are as follows:

	For No. 1 oil	For No. 2 oil
HHV <sub>A</sub> —	19,800	19,500
A/F—	14.55	14.49
A—	0.0679	0.06668
B—	14.22	14.22
CF (1)—	$2.4416834 \times 10^{-3}$	$2.4361163 \times 10^{-3}$
CF (2)—	$3.3711449 \times 10^{-6}$	$3.6702686 \times 10^{-6}$
CF (3)—	$8.8906305 \times 10^{-9}$	$8.7098897 \times 10^{-9}$
CF (4)—	$-1.3619019 \times 10^{-12}$	$-1.3094378 \times 10^{-12}$
CF (5)—	$-1.4367410 \times 10^{-16}$	$-1.5029209 \times 10^{-16}$

	For Air
CA (1) —	$2.5462121 \times 10^{-3}$
CA (2) —	$-3.0260126 \times 10^{-5}$
CA (3) —	$2.7608571 \times 10^{-8}$
CA (4) —	$-7.4253321 \times 10^{-12}$
CA (5) —	$6.4307377 \times 10^{-16}$

This calculation procedure is explained more fully in: NBSIR 78-1543, "Recommended Testing and Calculation Procedures for Determining the Seasonal Performance of Residential Control Furnaces and Boilers." Department of Energy "Final Energy Conservation Test Procedures" Federal Register, Part II, May 10, 1978, 43 FR 20128, 20147.

#### Appendix I to Part 456—Program Measures

(a) *Climate Zones for Program Measures.* In the table of program measures shown in (c) below, the climate zones are as follows:

Climate:	Heating degree-days
1	0-1000.
2	1001-2500.
3	2501-3500.
4	3501-4500.
5	4501-5000.
6	5001-6000.
7	6001-7000.
8	7001 and above.

(b) *Category of Residential Buildings.* The program measures are designated in the following tables by categories of residential buildings. These categories are:

(1) For energy conservation measures and wind energy devices:

(i) "Electricity", which includes all residential buildings in which the principal source of space heating is an electric resistance heating system;

(ii) "Gas", which includes all residential buildings in which either natural gas, propane, or butane is the principal space heating fuel;

(iii) "Oil", which includes all residential buildings in which either #2 heating oil or kerosene is the principal space heating fuel, and includes all other residential buildings not included in the categories "Electricity", "Gas", or "Heat Pump";

(iv) "Heat Pump", which includes all residential buildings in which the principal source of space heating is an electric heat pump;

(2) For solar domestic hot water systems:

(i) "Electricity", which includes all residential buildings in which electricity is the principal fuel for domestic water heating;

(ii) "Gas", which includes all residential buildings in which either natural gas, propane, or butane is the principal fuel for domestic water heating; and

(iii) "Oil", which includes all residential buildings in which #2 heating oil or kerosene is the principal fuel for domestic water heating, and includes all other residential buildings not included in the categories of "Gas" or "Electricity";

(3) For active solar space heating systems and for combined active solar space heating and solar domestic hot water systems, "Electricity", "Gas", "Oil", and "Heat Pump" (as in (1) above) with respect to each of the following building types:

(i) "Single-family detached", which includes any residential building which contains only one dwelling unit and which is not attached to any other residential building;

(ii) "Attached buildings", which includes any residential building which either contains more than one dwelling unit or which is attached to another residential building or both; and

(iii) "Mobile homes".

(4) For passive solar space heating and cooling systems and for replacement solar swimming pool heaters, "all residential buildings."

(c)(1) The following are Program measures for all categories of buildings in all States and climate zones:

(i) replacement furnaces or boilers,

(ii) replacement central air conditioning,

(iii) caulking and weatherstripping,

(iv) duct insulation,

(v) pipe insulation,

(vi) water heater insulation,

(vii) heat reflective and heat absorbing

window or door material,

(viii) clock thermostats

(ix) passive solar space heating and cooling systems.

(2) *Devices associated with electric load management techniques*: Devices associated with electric load management techniques are program measures for all categories of residential buildings if the local electric utility offers a residential rate which reflects any differences in the utility's cost-of-service (either energy or demand costs) between peak and off-peak periods.

(3) *Furnace replacement burners (oil)*. Furnace replacement burners (oil) are program measures for the category "oil" in all States and climate zones.

(4) *Flue opening modifications*. Flue opening modifications are program measures for the category "gas" in all States and climate zones.

(5) *Replacement solar swimming pool heaters*. Replacement solar swimming pool heaters are program measures in all residential buildings with non-solar heated swimming pools in all States and climate areas.

(6) *Electrical or mechanical ignition systems*. Electrical or mechanical ignition systems are program measures for the category "gas" in all States and climate zones.

(d) *Table of Program Measures by State*. All other Program measures are displayed in the following table organized by State:

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STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Alabama	2	Electricity	22	X		X		X			
		Gas	19	X							
		Oil	19	X				X			
		Electric Heat Pump	19	X							
	3	Electricity	30	X	11	X		X			
		Gas	22	X							
		Oil	22	X				X			
		Electric Heat Pump	22	X							
Alaska	8	Electricity	38	X	19	X	X				X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X				X
		Electric Heat Pump	38	X	19	X	X				X
Arizona	1	Electricity	19	X				X		1,2,3	
		Gas	19	X				X			
		Oil	19	X				X			
		Electric Heat Pump	19	X							
	2	Electricity	22	X		X		X	1	1,2,3	
		Gas	19	X				X			
		Oil	19	X				X		1	
		Electric Heat Pump	19	X							
	3	Electricity	30	X	11	X		X	1	1,2,3	
		Gas	22	X				X			
		Oil	22	X				X	1		
		Electric Heat Pump	22	X							
	4	Electricity	30	X	19	X		X	1	1,2,3	X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X	1	1,2	X
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X	1	1,2,3	
		Gas	30	X	11	X		X			
		Oil	30	X	11	X		X	1	1,2	
		Electric Heat Pump	30	X	11	X					
	6	Electricity	30	X	19	X	X	X	1,2,3	1,2,3	
		Gas	30	X	11	X		X	1	1,2	
		Oil	30	X	11	X		X	1,2	1,2,3	
		Electric Heat Pump	30	X	19	X	X				
	7	Electricity	38	X	19	X	X	X	1,2,3	1,2,3	
		Gas	30	X	11	X		X	1	1,2	
		Oil	30	X	11	X		X	1,2	1,2,3	
		Electric Heat Pump	38	X	19	X	X				

NOTE: 1 = Single-family 2 = Attached buildings 3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Arkansas	3	Electricity	30	X	11	X		X		1	
		Gas	22	X							
		Oil	22	X				X			
		Electric Heat Pump	22	X							
	4	Electricity	30	X	19	X		X		1,2	X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
California	2	Electricity	22	X		X		X	1	1	X
		Gas	19	X							X
		Oil	19	X				X		1	X
		Electric Heat Pump	19	X							X
	3	Electricity	30	X	11	X		X	1	1	
		Gas	22	X							
		Oil	22	X				X		1	
		Electric Heat Pump	22	X							
	4	Electricity	30	X	19	X		X	1	1	X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X	1	1	
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X	1	1,2	
		Gas	30	X	11	X					
		Oil	30	X	11	X		X	1	1,2	
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X	X	1	1,2	
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X	1	1,2	
		Electric Heat Pump	38	X	19	X	X				
Colorado	6	Electricity	30	X	19	X	X	X	1	1	X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X	1	1	X
		Electric Heat Pump	30	X	19	X	X				X

NOTE:

1 = Single-family

2 = Attached  
buildings

3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Colorado (Continued)	7	Electricity	38	X	19	X	X	x 1		1,2	x
		Gas	30	X	11	X					x
		Oil	30	X	11	X		x 1		1,2	x
		Electric Heat Pump	38	X	19	X	.X				x
	8	Electricity	38	X	19	X	X	x 1		1,2,3	
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	x 1		1,2,3	
		Electric Heat Pump	38	X	19	X	X				
Connecticut	6	Electricity	30	X	19	X	X	x			x
		Gas	30	X	11	X					x
		Oil	30	X	11	X					x
		Electric Heat Pump	30	X	19	X	X				x
Delaware	4	Electricity	30	X	19	X		x		1	x
		Gas	30	X	11	X					x
		Oil	30	X	11	X		x			x
		Electric Heat Pump	30	X	11	X					x
District of Columbia	4	Electricity	30	X	19	X		x			
		Gas	30	X	11	X					
		Oil	30	X	11	X		x			
		Electric Heat Pump	30	X	11	X					
Florida	1	Electricity	19	X				x			x
		Gas	19	X							x
		Oil	19	X				x			x
		Electric Heat Pump	19	X							x
	2	Electricity	22	X		X		x			
		Gas	19	X							
		Oil	19	X				x			
		Electric Heat Pump	19	X							
Georgia	2	Electricity	22	X		X		x			
		Gas	19	X							
		Oil	19	X				x			
		Electric Heat Pump	19	X							
	3	Electricity	30	X	11	X		x			
		Gas	22	X							
		Oil	22	X				x			
		Electric Heat Pump	22	X							
	4	Electricity	30	X	19	X		x			
		Gas	30	X	11	X					
		Oil	30	X	11	X		x			
		Electric Heat Pump	30	X	11	X					

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			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Hawaii	1	Electricity	19	X				X			X
		Gas	19	X				X			X
		Oil	19	X				X			X
		Electric Heat Pump	19	X							X
Idaho	7	Electricity	38	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X				
		Gas	38	X	19	X	X	X 1		1	
		Oil	38	X	19	X	X				
		Electric Heat Pump	38	X	19	X	X				
Illinois	4	Electricity	30	X	19	X		X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X					X
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				X
Indiana	4	Electricity	30	X	19	X		X			
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	11	X		X			
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	19	X	X				X

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			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Indiana (Continued)	7	Electricity	38	X	19	X	X				X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				X
Iowa	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	38	X	19	X	X				X
	8	Electricity	38	X	19	X	X	X			X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X	X			X
		Electric Heat Pump	38	X	19	X	X				X
Kansas	4	Electricity	30	X	19	X		X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X		1	X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	38	X	19	X	X				X
Kentucky	4	Electricity	30	X	19	X		X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					X

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			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Kentucky (Continued)	6	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				
Louisiana	2	Electricity	22	X		X		X		X	
		Gas	19	X							
		Oil	19	X				X			
		Electric Heat Pump	19	X						X	
	3	Electricity	30	X	11	X		X			
		Gas	22	X							
		Oil	22	X				X			
		Electric Heat Pump	22	X							
Maine	8	Electricity	38	X	19	X	X			X	
		Gas	38	X	19	X	X			X	
		Oil	38	X	19	X	X			X	
		Electric Heat Pump	38	X	19	X	X			X	
Maryland	4	Electricity	30	X	15	X		X		X	
		Gas	30	X	11	X				X	
		Oil	30	X	11	X		X		X	
		Electric Heat Pump	30	X	11	X				X	
	5	Electricity	30	X	19	X	X	X		X	
		Gas	30	X	11	X				X	
		Oil	30	X	11	X		X		X	
		Electric Heat Pump	30	X	11	X				X	
	6	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				
Massachusetts	6	Electricity	30	X	19	X	X	X		X	
		Gas	30	X	11	X				X	
		Oil	30	X	11	X				X	
		Electric Heat Pump	30	X	19	X	X			X	
	7	Electricity	38	X	19	X	X	X		X	
		Gas	30	X	11	X				X	
		Oil	30	X	11	X				X	
		Electric Heat Pump	38	X	19	X	X			X	
Michigan	7	Electricity	38	X	19	X	X	X		X	
		Gas	30	X	11	X				X	
		Oil	30	X	11	X				X	
		Electric Heat Pump	38	X	19	X	X			X	

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			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Michigan (Continued)	8	Electricity	38	X	19	X	X	X			X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X				X
		Electric Heat Pump	38	X	19	X	X				X
Minnesota	8	Electricity	38	X	19	X	X	X			X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X				X
		Electric Heat Pump	38	X	19	X	X				X
Mississippi	2	Electricity	22	X		X		X			
		Gas	19	X							
		Oil	19	X				X			
		Electric Heat Pump	19	X							
	3	Electricity	30	X	11	X		X			X
		Gas	22	X							
		Oil	22	X				X			X
		Electric Heat Pump	22	X							X
Missouri	4	Electricity	30	X	19	X		X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				X
Montana	8	Electricity	38	X	19	X	X				
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X			
		Electric Heat Pump	38	X	19	X	X				
Nebraska	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	38	X	19	X	X				X

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			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Nebraska (Continued)	8	Electricity	38	X	19	X	X	x 1	1	x	
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	x			
		Electric Heat Pump	38	X	19	X	X			x	
Nevada	2	Electricity	22	X		X		x 1,2	1,2,3	x	
		Gas	19	X				x			
		Oil	19	X				x 1	1,2,3		
		Electric Heat Pump	19	X						x	
	3	Electricity	30	X	11	X		x 1,2	1,2,3	x	
		Gas	22	X				x			
		Oil	22	X				x 1	1,2,3		
		Electric Heat Pump	22	X						x	
	4	Electricity	30	X	19	X		x 1,2	1,2,3	x	
		Gas	30	X	11	X		x			
		Oil	30	X	11	X		x 1	1,2,3		
		Electric Heat Pump	30	X	11	X				x	
	5	Electricity	30	X	19	X	X	x 1,2	1,2,3	x	
		Gas	30	X	11	X		x			
		Oil	30	X	11	X		x 1	1,2,3		
		Electric Heat Pump	30	X	11	X				x	
	6	Electricity	30	X	19	X	X	x 1	1,2	x	
		Gas	30	X	11	X		x			
		Oil	30	X	11	X		x 1	1		
		Electric Heat Pump	30	X	19	X	X			x	
	7	Electricity	38	X	19	X	X	x 1	1,2	x	
		Gas	30	X	11	X		x			
		Oil	30	X	11	X		x 1	1		
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X	x 1	1,2		
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	x 1	1		
		Electric Heat Pump	38	X	19	X	X				
New Hampshire	7	Electricity	38	X	19	X	X			x	
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X			x	
	8	Electricity	38	X	19	X	X	x		x	
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X			x	
		Electric Heat Pump	38	X	19	X	X				

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New Jersey	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X					X
		Electric Heat Pump	30	X	19	X	X				X
New Mexico	3	Electricity	30	X	11	X		X 1	1,2,3		X
		Gas	22	X				X			X
		Oil	22	X				X	1		X
		Electric Heat Pump	22	X							X
	4	Electricity	30	X	19	X		X 1	1,2,3		X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X 1	1		X
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X 1	1,2,3		X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X	1		X
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X 1	1,2,3		X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X 1	1,2		X
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X 1	1,2,3		X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X 1	1,2		X
		Electric Heat Pump	38	X	19	X	X				X
	8	Electricity	38	X	19	X	X	X 1	1,2,3		X
		Gas	38	X	19	X	X	X			X
		Oil	38	X	19	X	X	X 1	1,2		X
		Electric Heat Pump	38	X	19	X	X				X
New York	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X					X
		Electric Heat Pump	30	X	19	X	X				X
	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				X

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New York (Continued)	8	Electricity	38	X	19	X	X	X				X
		Gas	38	X	19	X	X					X
		Oil	38	X	19	X	X					X
		Electric Heat Pump	38	X	19	X	X					X
North Carolina	3	Electricity	30	X	11	X		X				X
		Gas	22	X								
		Oil	22	X				X				
		Electric Heat Pump	22	X								X
	4	Electricity	30	X	19	X		X				
		Gas	30	X	11	X						
		Oil	30	X	11	X		X				
		Electric Heat Pump	30	X	11	X						
	5	Electricity	30	X	19	X	X	X				
		Gas	30	X	11	X						
		Oil	30	X	11	X		X				
		Electric Heat Pump	30	X	11	X						
North Dakota	8	Electricity	38	X	19	X	X					X
		Gas	38	X	19	X	X					X
		Oil	38	X	19	X	X					X
		Electric Heat Pump	38	X	19	X	X					X
Ohio	6	Electricity	30	X	19	X	X					
		Gas	30	X	11	X						
		Oil	30	X	11	X						
		Electric Heat Pump	30	X	19	X	X					
	7	Electricity	38	X	19	X	X					X
		Gas	30	X	11	X						X
		Oil	30	X	11	X						X
		Electric Heat Pump	38	X	19	X	X					X
Oklahoma	3	Electricity	30	X	11	X		X		1		X
		Gas	22	X								X
		Oil	22	X				X				X
		Electric Heat Pump	22	X								X
	4	Electricity	30	X	19	X		X		1		X
		Gas	30	X	11	X						X
		Oil	30	X	11	X		X				X
		Electric Heat Pump	30	X	11	X						X
	5	Electricity	30	X	19	X	X	X 1		1,2,3		X
		Gas	30	X	11	X						X
		Oil	30	X	11	X		X 1		1		X
		Electric Heat Pump	30	X	11	X						X

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Oklahoma (Continued)	6	Electricity	30	X	19	X	X	X 1		1,2,3	X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X 1		1	X
		Electric Heat Pump	30	X	19	X	X				X
Oregon	4	Electricity	30	X	19	X					
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	11	X					
	5	Electricity	30	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	11	X					
	6	Electricity	30	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	19	X	X				
	7	Electricity	38	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X				
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X			
		Electric Heat Pump	38	X	19	X	X				
Pennsylvania	5	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	6	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	19	X	X				
	7	Electricity	38	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X				X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X				X
		Electric Heat Pump	38	X	19	X	X				X

NOTE:

1 = Single-family

2 = Attached  
buildings

3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.



STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Rhode Island	6	Electricity	30	X	19	X	X	X			X
		Gas	30	X	11	X					X
		Oil	30	X	11	X					X
		Electric Heat Pump	30	X	19	X	X				X
South Carolina	2	Electricity	22	X		X		X			X
		Gas	19	X							
		Oil	19	X				X			
		Electric Heat Pump	19	X							
	3	Electricity	30	X	11	X		X			X
		Gas	22	X							
		Oil	22	X				X			
		Electric Heat Pump	22	X							X
	4	Electricity	30	X	19	X		X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
South Dakota	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	38	X	19	X	X				X
	8	Electricity	38	X	19	X	X	X			X
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X			
		Electric Heat Pump	38	X	19	X	X				X
Tennessee	3	Electricity	30	X	11	X		X			
		Gas	22	X							
		Oil	22	X				X			
		Electric Heat Pump	22	X							
	4	Electricity	30	X	19	X					
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
	5	Electricity	30	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
Texas	1	Electricity	19	X				X			X
		Gas	19	X							
		Oil	19	X				X			
		Electric Heat Pump	19	X							X

NOTE:

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2 = Attached buildings

3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either, (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

STATE	HUD/MPs REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Texas (Continued)	2	Electricity	22	X		X		X		1,2	X
		Gas	19	X				X			X
		Oil	19	X				X			X
		Electric Heat Pump	19	X							X
	3	Electricity	30	X	11	X		X		1,2	X
		Gas	22	X							X
		Oil	22	X				X			X
		Electric Heat Pump	22	X							X
	4	Electricity	30	X	19	X		X		1,2	X
		Gas	30	X	11	X					X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
	5	Electricity	30	X	19	X	X	X		1,2	X
		Gas	30	X	11	X		X			X
		Oil	30	X	11	X		X			X
		Electric Heat Pump	30	X	11	X					X
Utah	5	Electricity	30	X	19	X	X	X	1,2	1,2,3	
		Gas	30	X	11	X					
		Oil	30	X	11	X		X	1,2	1,2,3	
		Electric Heat Pump	30	X	11	X					
	6	Electricity	30	X	19	X	X	X	1,2	1,2	
		Gas	30	X	11	X					
		Oil	30	X	11	X		X	1,2	1,2	
		Electric Heat Pump	30	X	19	X	X				
	7	Electricity	38	X	19	X	X	X	1,2	1,2	
		Gas	30	X	11	X					
		Oil	30	X	11	X		X	1,2	1,2	
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X	X	1	1	
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X	1	1	
		Electric Heat Pump	38	X	19	X	X				
Vermont	7	Electricity	38	X	19	X	X				X
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				X
	8	Electricity	38	X	19	X	X				
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X				
		Electric Heat Pump	38	X	19	X	X				

NOTE: 1 = Single-family 2 = Attached buildings 3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Virginia	3	Electricity	30	X	11	X		X			X
		Gas	22	X							X
		Oil	22	X				X			X
		Electric Heat Pump	22	X							X
	4	Electricity	30	X	19	X		X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
	5	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	11	X					
	6	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X		X			
		Electric Heat Pump	30	X	19	X	X				
Washington	6	Electricity	30	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	19	X	X				
	7	Electricity	38	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X				
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	X			
		Electric Heat Pump	38	X	19	X	X				
West Virginia	5	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	11	X					
	6	Electricity	30	X	19	X	X	X			
		Gas	30	X	11	X					
		Oil	30	X	11	X					
		Electric Heat Pump	30	X	19	X	X				
Wisconsin	7	Electricity	38	X	19	X	X	X			X
		Gas	30	X	11	X					
		Oil	30	X	11	X					X
		Electric Heat Pump	38	X	19	X	X				

NOTE: 1 = Single-family 2 = Attached buildings 3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

STATE	HUD/MPS REGION	CATEGORY OF RESIDENTIAL BUILDING	CONSERVATION MEASURES					RENEWABLE RESOURCE MEASURES			
			Ceiling Insulation (R-Value)*	Wall Insulation	Floor Insulation (R-Value)*	Storm or Thermal Windows	Storm or Thermal Doors	Solar Domestic Hot Water Systems	Active Solar Space Heating Systems	Combined Active Solar Space Heating & Solar Domestic Hot Water Systems	Wind Energy Devices
Wisconsin (Continued)	8	Electricity	38	X	19	X	X				X
		Gas	38	X	19	X	X				X
		Oil	38	X	19	X	X				X
		Electric Heat Pump	38	X	19	X	X				X
Wyoming	7	Electricity	38	X	19	X	X				
		Gas	30	X	11	X					
		Oil	30	X	11	X		x 1		1	
		Electric Heat Pump	38	X	19	X	X				
	8	Electricity	38	X	19	X	X				X
		Gas	38	X	19	X	X				
		Oil	38	X	19	X	X	x 1		1	
		Electric Heat Pump	38	X	19	X	X				X
Puerto Rico	1	Electricity	19	X				x			X
		Gas	19	X				x			X
		Oil	19	X				x			X
		Electric Heat Pump	19	X							X

NOTE: 1 = Single-family 2 = Attached buildings 3 = Mobile Homes

\*These R-Values are minimums. The State may propose, in a State Plan, either (1) to substitute a higher level, subject to the Assistant Secretary's approval, as the program measure, or (2) to offer other levels (higher or lower) as States measures in addition to the program measures.

# Appendix to Part 456—Standard Incorporated by Reference

(a) Incorporation by reference of material and installation standards. The material and installation standards identified herein are hereby incorporated by reference into this Part as though set forth in full herein, pursuant to 5 U.S.C. § 552(a).

Incorporation by reference of material and installation standards in 10 CFR Part 456 is approved by the Director of the Federal Register, November 1, 1979.

## (b) Statement of availability.

(1) Copies of the following standards may be obtained at the following addresses:

- American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018
- American Society of Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103

- National Fire Prevention Administration (NFPA), 470 Atlantic Avenue, Boston, MA 02210
- Environmental Protection Agency (EPA), Washington, D.C.
- U.S. Department of Commerce, National Bureau of Standards (NBS), Washington, D.C. 20234
- Building Officials and Code Administrators (BOCA), International, Inc., 1313 E. 60th Street, Chicago, IL 60637
- Underwriters Laboratory (UL), 207 E. Ohio Street, Chicago, IL 60611
- Fir and Hemlock Door Association (FHDA), Yeon Building, Portland, OR 97204
- Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402

- Department of Housing and Urban Development (HUD), Office of Technical and Credit Standards, Room 6158, 451 7th Street, S.W., Washington, D.C. 20410

(2) Copies of all standards incorporated by references are available for inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(c) Changes in material and installation standards. Any change to any material on installation standard will be made in accordance with statutory requirements for notice and public comment and with DOE policy for the adoption of rules. Notice of any proposed change will be published in the Federal Register and reflected as an amendment to the table in paragraph (d).

(d) Table of Standards incorporated by reference.

Table of Standards <sup>1</sup>

Number	Title	Date approved	Section reference
<b>ANSI:</b>			
ANSI/AAMA 1002.9-1977	"Voluntary Specification for Aluminum Combination Storm Windows for External Applications"	Nov. 1, 1979	§ 456.813.
ANSI/AAMA 1102.7-1977	"Voluntary Specifications for Aluminum Storm Doors"	Nov. 1, 1979	§ 456.813.
ANSI/ASTM D 2156-65 (1975)	"ANSI Standard Method of Tests for Smoke Density in the Flue Gases from Distillate Fuels"	Nov. 1, 1979	§ 456.913.
ANSI Z21.13-1977	"Gas-fired Low Pressure Steam and Hot Water Heating Boilers"	Nov. 1, 1979	§ 456.814.
ANSI Z21.20-1975	"ANSI Standard for Automatic Gas Ignition Systems and Components"	Nov. 1, 1979	§ 456.814.
ANSI Z21.47-1978	"ANSI Standard for Gas-fired Central Furnaces"	Nov. 1, 1979	§ 456.814.
ANSI Z21.59-1974	"Gas-fired High Pressure Steam and Hot Water Heating Boilers"	Nov. 1, 1979	§ 456.814.
ANSI Z21.68-1977	"ANSI Standard for Electrically-Operated Automatic Vent Damper Devices for Use with Gas-fired Appliances"	Nov. 1, 1979	§ 456.814.
ANSI Z21.67-1978	"ANSI Standard for Mechanically-Actuated Automatic Vent Damper Devices for Use with Gas-fired Appliances"	Nov. 1, 1979	§ 456.814.
ANSI Z21.68-1978	"ANSI Standard for Thermally-Actuated Automatic Vent Damper Devices for Use with Gas-fired Appliances"	Nov. 1, 1979	§ 456.814.
ANSI Z91.2-1976	"Performance Requirements for Automatic Pressure Oil Burners of the Mechanical Draft Type"	Nov. 1, 1979	§ 456.814 and § 456.913.
ANSI Z96.1-1978/UL 727	"Oil-fired Central Furnaces"	Nov. 1, 1979	§ 456.814.
ANSI Z96.2-1974/UL 296	"Oil Burners"	Nov. 1, 1979	§ 456.814.
ANSI Z96.3-1975/UL 726	"Oil-fired Boiler Assemblies"	Nov. 1, 1979	§ 456.814.
ANSI/NWMA I.S. 2-73	"Industry Standard for Wood Windows"	Nov. 1, 1979	§ 456.813.
ANSI/NWMA I.S. 5-73	"Ponderosa Pine Doors"	Nov. 1, 1979	§ 456.813.
<b>ASTM:</b>			
ASTM C-516	"Standard Specification for Vermiculite Loose Fill"	Nov. 1, 1979	§ 456.806.
ASTM C-520	"Standard Method for Density of Granular Loose-fill Insulation"	Nov. 1, 1979	§ 456.806 and § 456.807.
ASTM C-570-72	"Specification for Oil and Resin Based Caulking Compound for Building Construction"	Nov. 1, 1979	§ 456.812.
ASTM C-578	"Standard Specification for Preformed, Block-Type Cellular Polystyrene Thermal Insulation"	Nov. 1, 1979	§ 456.808.
ASTM C-755-73	"Standard Recommended Practice for Selection for Vapor Barriers for Thermal Insulation"	Nov. 1, 1979	§ 456.903.
ASTM C-834-76	"Specification for Latex Ceiling Compounds"	Nov. 1, 1979	§ 456.812.
ASTM E-84	"Standard Test Method for Surface Burning Characteristics of Building Materials"	Nov. 1, 1979	§ 456.808, § 456.809, and § 456.812.
ASTM E-98	"Standard Test Method for Water Vapor Transmission of Materials in Sheet form"	Nov. 1, 1979	§ 456.805.
ASTM E-119-76	"Standard Methods of Fire Tests of Building Construction and Materials"	Nov. 1, 1979	§ 456.908 and § 456.907.
ASTM E-136-79	"Test for Non-Combustibility of Elementary Materials"	Nov. 1, 1979	§ 456.905 and § 456.906.
ASTM E-283-73	"Standard Test Method for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors"	Nov. 1, 1979	§ 456.813.
ASTM E-576-76	"Standard Test Method for Dew/frost Point of Sealed Insulating Glass Units in Vertical Position"	Nov. 1, 1979	§ 456.813.
<b>BOCA: BOCA Research Report No. 72-33</b>			
EPA: EPA Report No. 600/2-75-069a	"Guidelines for Residential Oil Burner Adjustments"	Nov. 1, 1979	§ 456.913.
<b>Federal Specifications:</b>			
HH-I-515 D	"Insulation, Thermal (loose-fill for Pneumatic or Poured Application): Cellulosic or Wood fiber"	Nov. 1, 1979	§ 456.803, § 456.804, and § 456.805.
HH-I-524 B	"Insulation Board, Thermal (Polystyrene)"	Nov. 1, 1979	§ 456.808.
HH-I-530 A	"Insulation Board, Thermal (Polyurethane and Polyisocyanurate)"	Nov. 1, 1979	§ 456.809.
HH-I-558 B	"Insulation Blocks, Boards, Blankets, Felts, Sleaving, and Pipe Fitting Coverings"	Nov. 1, 1979	§ 456.812.
HH-I-574 B	"Insulation, Thermal (Perlite)"	Nov. 1, 1979	§ 456.807.
HH-I-585 C	"Insulation, Thermal (Vermiculite)"	Nov. 1, 1979	§ 456.806.
HH-I-1030 A	"Insulation, Thermal (Mineral Fiber for Pneumatic or Poured Application)"	Nov. 1, 1979	§ 456.804 and § 456.805.
HH-I-1252 B	"Insulation, Thermal Reflective (Aluminum Foil)"	Nov. 1, 1979	§ 456.810.
TT-S-001543 A	"Ceiling Compound, Silicone Rubber Base, (for Caulking, Sealing, and Glazing in Buildings and Other Structures)"	Nov. 1, 1979	§ 456.812.
TT-S-00227 E	"Ceiling Compound, Elastomeric Type, Multi-Component (for Caulking, Sealing, and Glazing in Buildings and Other Structures)"	Nov. 1, 1979	§ 456.812.
TT-S-001657	"Ceiling Compound, Single Component Butyl Rubber Base, Solvent Release Type (for Buildings and Other Types of Construction)"	Nov. 1, 1979	§ 456.812.
TT-S-00230 C	"Ceiling Compound, Elastomeric Type, Single-Component, (for Caulking, Sealing and Glazing in Buildings, and Other Structures)"	Nov. 1, 1979	§ 456.812.

Table of Standards <sup>1</sup>—Continued

Number	Title	Date approved	Section reference
TT-C-00598 C	"Caulking Compound, Oil and Resin Base Type (for Building Construction)"	Nov. 1, 1979	§ 456.812.
TT-P-00791 B	"Putty linseed-oil Type, (for Wood-Sash-Glazing)"	Nov. 1, 1979	§ 456.812.
FHDA: FHDA 6-77	"Industry Standard for Douglas Fir, Western Hemlock, and Sitka Spruce Doors and Blinds".	Nov. 1, 1979	§ 456.813.
HUD: HUD Intermediate MPS Supplement 4930.2	"Solar Heating and Domestic Hot Water Systems"	Nov. 1, 1979	§ 456.702.
NBS: NBS/PS 26-70	"Rigid Polyvinyl-Chloride Profile Extrusions"	Nov. 1, 1979	§ 456.813.
NFPA:			
NFPA-31	"Standard for the Installation of Oil Burning Equipment"	Nov. 1, 1979	§ 456.905, § 456.906, § 456.907, and § 456.913.
NFPA-54	"National Fuel Gas Code"	Nov. 1, 1979	§ 456.905, § 456.906, and § 456.907.
NFPA-211	"Standard for Chimneys, Fireplaces, and Vents"	Nov. 1, 1979	§ 456.905, § 456.906, § 456.907, and § 456.912.
UL: UL 599	"Standard for Heat Pumps"	Nov. 1, 1979	§ 456.814.

<sup>1</sup>All material and installation requirements are contained in Subparts G, H, and I.

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BILLING CODE 6450-01-M





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Wednesday  
November 7, 1979

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**Part III**

**Department of the  
Interior**

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**Fish and Wildlife Service**

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**Determination That *Fitzroya cupressoides*  
Is a Threatened Species**

## DEPARTMENT OF THE INTERIOR

## 50 CFR Part 17

## Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Determination that *Fitzroya cupressoides* Is a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines *Fitzroya cupressoides* (alerce, or Chilean false larch), a native plant of Chile and Argentina, to be a Threatened species. This tree has been exploited for its lumber since 1599. In addition, it lost habitat with the colonization of southern Chile. It was nearly eliminated from all accessible sites by 1900. It is listed under two international conservation treaties, and will now receive the additional protection provided by the U.S. Endangered Species Act of 1973, as amended. This will assist in restoring the economic benefits and other values of this natural resource.

**DATE:** This rule becomes effective on December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, U.S.A., tel. 703/235-2771.

**SUPPLEMENTARY INFORMATION:****Background**

*Fitzroya cupressoides* is a conifer which occurs mainly in southern Chile, but also in southwestern Argentina. It is found in the Coastal Cordillera, the Central Depression and the Andean Cordillera, from just north of Valdivia and the area of Lake Nahuel Huapi nearly to Rio Palena in the south. It has been commercially exploited since at least 1599, because of the durability of its wood. This early exploitation nearly eliminated the species from all accessible sites by the end of the nineteenth century. In addition to this continuing exploitation in remote areas, much habitat of the species was lost with burning and clearing in the colonization of southern Chile.

Argentina placed this species on the annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (CNPWP) on May 8, 1941. It was maintained on that list at the Mar del Plata, Argentina, international conference on that Convention in October 1965. While Argentina and Chile are both parties to that Convention, Chile has submitted no list of species for the Annex. However,

Chile declared this species a Nature Monument with decree No. 490 of the Ministerio de Agricultura, on October 1, 1976.

This species was placed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the original plenipotentiary conference in Washington, D.C., in February and March 1973. Argentina was fully represented at that conference, and Chile was represented by an observer. Chile is now a party to this Convention, but Argentina is not. The United States is party to both Conventions.

Relative to a request of May 22, 1975, from the U.S. Fund for Animals, Inc., all species which appeared on Appendix I of CITES, but not on the U.S. List of Endangered and Threatened Wildlife and Plants, were proposed as Endangered in the September 26, 1975, Federal Register (40 FR 44329-44333; correction 40 FR 49347-49348). *Fitzroya cupressoides* was one of the species addressed in that proposal. Four public hearings including plants in that proposal were held in 1976: July 14, Honolulu, Hawaii; July 22, El Segundo, California; July 28, Kansas City, Missouri; and August 4, Washington, D.C.

In addition, copies of the two treaties and the Service proposal were provided and discussed at two international symposia on plant conservation, both of which placed particular emphasis on Latin America. The first of these symposia was held in May 1976, at the New York Botanical Garden, in U.S.A., and the second in May 1977, at the University of Uppsala, in Sweden. The proposal of September 26, 1975, was specifically mentioned and cited in the Service's presentation in the published proceedings of the New York symposium: G. T. Prance and T. S. Elias, editors, 1977, *Extinction is Forever: Threatened and Endangered Species of Plants in the Americas and their Significance in Ecosystems Today and in the Future*, The New York Botanical Garden, Bronx, 437 pp. In the published proceedings of the Swedish symposium (I. Hedberg, editor, 1979, *Systematic Botany, Plant Utilization and Biosphere Conservation*, Almqvist and Wiksell International, Stockholm 159 pp.), the Service presentation and several others cited the Prance and Elias volume for background information and activities of concern to plant conservation.

In the June 24, 1977 Federal Register, the Service published a final rule (42 FR 32373-32381, codified at 50 CFR Part 17) detailing the permit regulations to protect Endangered and Threatened plant species. The rule established

prohibitions and permit procedures to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this listing rule does not meet the criteria for significance in the Department regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

**Summary of Comments and Recommendations**

In keeping with the general approach of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received is published in the Federal Register prior to adding any foreign species to the List of Endangered and Threatened Wildlife and Plants.

Over three hundred letters were received pertaining to the proposed rule published on September 26, 1975. These comments are summarized in the June 14, 1976, Federal Register publication (41 FR 24061) which determined certain animals to be Endangered species. Few comments had addressed plants specifically, and no letter referred to *Fitzroya cupressoides*. In his paper in the 1977 proceedings of the New York Botanical Garden symposium, Dr. Angel L. Cabrera, of the Instituto de Botánica Darwinión, San Isidro, Argentina, commented that this species "has become very scarce" in Argentina and Chile, and that it was among those "greatly exploited species which are therefore endangered." The species is also included in the symposium's Chilean list of threatened and endangered species prepared by the late Prof. Carlos Muñoz Pizarro, of the Museo Nacional de Historia Natural, Santiago, Chile. The New York and Swedish symposia passed resolutions in support of the previously mentioned Western Hemisphere Convention (CNPWP) and Trade Convention (CITES), which include this species on their respective Annex and Appendix I.

In the June 14, 1976, Federal Register publication taking final action on some of the taxa in the September 26, 1975, proposal, the Service stated that: "Regulations governing plants have not as yet been finalized, and consequently we are delaying action on listing of plants pending their publication." These regulations on trade prohibitions and permit provisions for plants under Sections 9(a)(2) and 10 of the Act were proposed in the June 7, 1976, Federal Register (41 FR 22915). The comments pertaining to that proposal, including those received at the four public hearings mentioned above, are summarized in the June 24, 1977, Federal

Register final rule (42 FR 32373-32381) on plant trade prohibitions and permit provisions.

In addition, on June 16, 1976, the Service proposed rules (41 FR 24367) to implement the Trade Convention (CITES) and, for informational purposes only, provided in that publication lists of the taxa on its appendices, including *Fitzroya cupressoides* on Appendix I. Over three hundred comments were received pertaining to that proposal, with the majority concerning plants, although none referred to this species. These comments are summarized in the February 22, 1977 Federal Register final rules (42 FR 10461-10488; correction 42 FR 26659) which implement that Convention. There were no comments regarding this species at the four public hearings which addressed plants in the proposal of September 26, 1975.

#### Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Fitzroya cupressoides* (Molina) L. M. Johnston (common name alerce, or Chilean false larch), which has the scientific and common synonyms *Fitzroya patagonica*, lahuen, Patagonian fitzroya, Fitzroy-cypress, and Chilean larch) is in danger of becoming extinct in the foreseeable future throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Fitzroya cupressoides* are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* This species occurs discontinuously from approximately latitude 39° 50' to 43° 30' S in Chile and Argentina. This range extends from Cerro San Ramón (just north of Valdivia) south to Río Corcovado and just north of Río Palena, includes the island of Chiloé, and extends eastward to the small lakes in Argentina directly east of central Isla Chiloé and to Lake Nahuel Huapi. Much of this range has been curtailed because of over-exploitation of the tree, as discussed in the next category of threat below. For example, most of the forest which contained this species in the Cordillera Pelada at altitudes of 700 to over 1,000 meters has been burned and cut. In its lowland habitat, particularly in the area between Puerto Montt and Lago Llanquihue, the species has been almost entirely eliminated. The clearing and burning associated with the colonization of southern Chile from Valdivia to Puerto Montt was one of the most massive and rapid deforestations ever recorded in Latin America, until

recent times. In some areas today, such as the zone surrounding Volcán Apagado (Contao), logs of this species are removed by cable-dragging, a method known to be highly destructive of soils and vegetation. The potential for severe erosion in this area remains great. Because of the low competitive capacity and poor regeneration of this species, exploited forest is replaced by different plant associations, thus preventing the restoration of its ecosystem.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* The greatest threat to this species remains exploitation for use of its wood, which is highly prized because of its remarkable durability and resistance to fungal and insect attack. As early as 1599, use of the species achieved great commercial importance on the island of Chiloé and in the area bordering the Seno de Reloncaví. The area of Estero de Comau was a major center of logging the species from the seventeenth through the nineteenth centuries. As early as the 1850s, much of the forest with this species north of Puerto Montt had been cut. This early exploitation nearly eliminated the species from all accessible sites by the end of the nineteenth century. In the mid-nineteenth century, over 8,000 cubic meters of wood from this species were being supplied to the rest of Chile and exported to Europe each year. During the 1960s, commercial use of the species still accounted for approximately 6% by value of Chile's total lumber production and 11% by value of lumber exports.

The conservation of the species remains an international problem. For example, the installation of Chile's largest sawmill, which is used for this species at Contao, was facilitated by the availability of foreign capital and technology. Recently, an Asian lumber company has had a major role in the logging operations. And, much of the demand for the species continues to come from outside Chile.

The severe exploitation of this species has sometimes involved selection of the best trees, with consequent probable loss of genetic material, and clear-cutting of extensive surfaces of forest. Under these practices, entire original source areas and perhaps ecotypes of the species have been lost. Similarly, whole vegetation types and plant associations in which this species was a significant or dominant member of the ecosystem have been eliminated.

3. *Disease or predation* (including grazing). It is possible that livestock grazing in recent centuries on both eastern and western slopes of the Andes at these altitudes has changed the forest

character and damaged seedlings of this species. In addition, introduced European deer, boar and hare may have adverse effects on the species in some areas, such as near Lake Nahuel Huapi.

4. *The inadequacy of existing regulatory mechanisms.* In Argentina, most of the remaining stands of this species are in national parks, such as at Nahuel Huapi, although by far the greater concentration of the species has always been on the Chilean side of the Andes. In Chile as well, some stands are in national parks, such as Los Alerzales, Puyehue, and Vicente Pérez Rosales. However, in the New York symposium mentioned above, Dr. Cabrera has stated that the Argentine parks are subject to degradation from exotic plants and animals (as mentioned above), domestic animal grazing, tourist pressures, and exploitation of forests for lumber. On the Chilean side, it has also been reported that exploitation of the species occurs occasionally in national parks.

In 1969, Chile enacted legislation which attempted to provide some protection for the species by requiring a management plan prior to exploitation, but this has not been sufficiently successful. In October 1976, Chile declared the species a Natural Monument, and the declaration was made public in September 1977. The Chilean Colegio de Arquitectos (College of Architects) has asked that all architects not specify the species in their projects. However, the Chilean Comité Nacional pro Defensa de Fauna y Flora (National Committee for the Defense of Fauna and Flora) stated in 1976 that the species will be extinct in ten years unless the present rate of felling is abated, and the International Union for the Conservation of Nature and Natural Resources (IUCN) has repeated this view.

As indicated earlier, *Fitzroya cupressoides* is on the Annex of the Western Hemisphere Convention (CNPWP). Articles VIII and IX of that Convention state:

#### "Article VIII

The protection of the species mentioned in the Annex to the present Convention is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

## Article IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.
2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article."

Sections 2 and 8 of the Endangered Species Act of 1973, as amended, provide the implementing legislation for this Convention. The President, by Executive Order 11911 (41 FR 15683-15684), designated the Secretary of the Interior to act on behalf of and to represent the U.S. in all regards as required by the CNPWP, and required that he consult with other departments and agencies as appropriate.

In addition, the species in Appendix I of the Trade Convention (CITES), which requires permits for export and import of the species, including any readily recognizable part or derivative thereof. Regulations for the CITES appear in the February 22, 1977, Federal Register (42 FR 10461). Since July 1, 1975, when the CITES came into effect, no permits have been requested or issued regarding this species for the United States. Also, statistics on wood imports maintained by the U.S. Department of Commerce, Bureau of Census, Foreign Trade Division, do not refer to this tree. However, only some of their records are to genus (*F. cupressoides* is the only species in *Fitzroya*), while others are classed as various lumber products not taxonomically identified. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, likewise has no records regarding importation of this species.

5. *Other natural or man-made factors affecting its continued existence.*

*Fitzroya cupressoides* is believed to have been more widespread during the Tertiary period, which began some 65 million years ago. Thus, its recent distribution is considered a relict of a previously much more extensive one. Pollen records indicate that the species was more common in the southern Chilean Lake District, 4,500-6,500 years ago. It appears that a trend toward a less cool and/or less humid climate in the area since then has decreased its importance in the vegetation. However, it cannot be assumed simply on the basis of such range reduction that the natural extinction of the species is at all imminent. Its loss of range because of

man is on a much more rapid time scale, causing the near loss in a few centuries of a natural resource of considerable importance to man. Further, one cannot predict whether or not a cooler and moisture climate might return to the area, or other evolutionary potential the species might possess.

Both the lowland and highland habitats of this species are sites of very harsh conditions under which few other native trees prosper. Further, the species has a low competitive capacity and regenerates very poorly after exploitation. However, individuals of the species are very long-lived, with some estimated to live over 3,000 years. It thrives in poor soils, and may contribute to their infertile, very acid condition. Further studies are needed in such aspects of its life history as seed production and seedling establishment before one can properly evaluate its natural vigor and potential.

Effects of the Rule

Section 7(a) of the Act, as amended, provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. This rule requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species. New rules implementing the 1978

Amendments to Section 7 are being prepared now by the Service.

In addition, Endangered and Threatened species regulations in title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Threatened plant species are found at Sections 17.71 and 17.72 (42 FR 32380-32381, 50 CFR Part 17, Subpart G). Section 9(a)(2) of the Act, as implemented by Section 17.71, will apply. With respect to any species of plant listed as Threatened, it is, in general, illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport, or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 (42 FR 32373-32381, 50 CFR Part 17, Subpart G), provide for the issuance of permits, under certain circumstances, to carry out otherwise prohibited activities involving Threatened plants. Requests for copies of these final trade regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 703/235-1903.

Section 8 of the Act provides certain provisions for international cooperation in conservation, including limited provisions for financial assistance under certain circumstances, and encouragement of foreign programs by various means indicated in that section. Additionally, as indicated earlier, this species is on the Annex of the Western Hemisphere Convention (CNPWP), and Appendix I of the Trade Convention (CITES). Results of listing this tree may include greater international awareness and attention to its conservation needs, restriction of exportations and importations through increased enforcement, closer attention to compilation of statistics on its role in international trade, and increased analysis of national and international projects which may affect its survival in its ecosystems.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this

determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

#### Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Since the species under consideration in this rule is not native to the United States, no Critical Habitat designation is authorized by the Act.

*Fitzroya cupressoides* was proposed for listing as an Endangered species on September 26, 1975 (40 FR 44330). Since all listing requirements of the Act have been satisfied, the Service now proceeds with the final rule to determine this species to be Threatened under the authority contained in the U.S. Endangered Species Act of 1973, as amended (16 USC 1531 et seq.; 87 Stat. 884, 92 Stat. 3751).

The primary author of this rule is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, U.S.A. (703/235-1975).

#### Regulation Promulgation

Accordingly, Section 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Add in alphabetical order by family, genus, species, the following plant:

#### § 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Cupressaceae—Cypress family:						
<i>Fitzroya cupressoides</i> ...	Alerce .....	Chile, Argentina .....	Entire .....	T	79	NA

Dated: October 31, 1979.

Robert S. Cook,  
Acting Director, Fish and Wildlife Service.

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Wednesday  
November 7, 1979

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## Part IV

# Department of the Interior

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### Fish and Wildlife Service

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Endangered Species Determinations for  
*Ancistrocactus tobuschii* (Tobusch  
fishhook cactus); *Echinocereus viridiflorus*  
var. *davisii* (Davis' green pitaya) and  
*Coryphantha minima* (Nelli Cory cactus);  
*Coryphantha sneedii* var. *sneedii* (Sneed  
pincushion cactus); and *Echinocereus*  
*triglochidiatus* var. *inermis* (Spineless  
hedgehog cactus); Final Rules



## DEPARTMENT OF THE INTERIOR

## 50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That *Ancistrocactus tobuschii* is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines *Ancistrocactus tobuschii* W. T. Marshall ex Backeberg (Tobusch fishhook cactus), a native plant of Texas, to be an Endangered species. Removal of plants and reduction of its range by such natural processes as flooding and stream bank erosion have led to the species' decline. This cactus, occurring on gravel bars in stream channels and on banks, was very greatly reduced by the 100-year flood of August, 1978, so that no more than 200 plants are known to survive in the wild.

This action will extend the protection provided by the Endangered Species Act of 1973, as amended, to this plant.

**DATE:** This rulemaking becomes effective on December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Spinks, Chief—Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 703/235-1975.

**SUPPLEMENTARY INFORMATION:****Background**

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant taxa to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within, as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act; this list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution

and the Service in response to House Document No. 94-51 and the above mentioned Federal Register publication. *Ancistrocactus tobuschii* was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal.

Public hearings on the June 16, 1976, proposal were held on July 22, 1976, in El Segundo, California and on July 28, 1976, in Kansas City, Missouri. A second public hearing was held on July 9, 1979, in Austin, Texas for seven Texas cacti proposed as endangered species, including *Ancistrocactus tobuschii*.

In the June 24, 1977, Federal Register, the Service published a final rulemaking (42 FR 32372-32381, codified at 50 CFR) detailing the permit regulations to protect Endangered and Threatened plant species. These rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

**Note.**—The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis, under Executive Order 12044 and 43 CFR Part 14.

**Summary of Comments and Recommendations**

In keeping with the intent of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received are here published in the Federal Register prior to adding any plant species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976 were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Some of these comments addressed cacti and urged their conservation. Only one comment specific to this species was received; the U.S. Department of Agriculture suggested the common name "fishhook cactus".

A number of parties who commented on the June 7, 1976, proposed prohibitions and permit provisions for plants (41 FR 22915) also addressed cacti. These comments are summarized in the June 24, 1977, Federal Register (43 FR 17909-17916), the final plant permit regulations discussed above. One comment specific to *Ancistrocactus*

*tobuschii* was received during this official comment period from a cactus grower who wanted to see no restrictions on the sale and exchange of seeds and of plants propagated in captivity. Under the current plant regulations, permits are available for the enhancement or propagation of species.

The Governor of Texas was notified of this proposed action. The Governor submitted no comments on the proposed action, nor did the State Conservation Agency. Botanists have submitted information on this species since the close of the official comment period. In a letter dated February 17, 1977, Dr. Lyman Benson of Pomona College commented that *Ancistrocactus tobuschii* was one of the most important species requiring protection of those proposed for protection due to its narrow endemism.

On July 9, 1979, a second public hearing was held in Austin, Texas, and the comment period was officially reopened (July 2 through July 23, 1979). The Governor of Texas was again notified of the proposal to list *Ancistrocactus tobuschii* as an Endangered species, but again submitted no comments on the proposed action. One written comment specific to *Ancistrocactus tobuschii* was received in the July 1979 comment period. The El Paso Cactus and Rock Club favored listing this species as Endangered. At the July 9, 1979, public hearing in Austin, Texas, Del Weniger, chairman of the Biology Department at Our Lady of the Lake University in San Antonio, commented on the natural history and distribution of *Ancistrocactus tobuschii*. He recommended it be final—listed as endangered because "it is one of the rarest and most greatly reduced in numbers of any plant in the state". He also detailed threats to the species from collecting and habitat destruction.

**Conclusion**

After a thorough review and consideration of all the information available, the Director has determined that *Ancistrocactus tobuschii* W. T. Marshall ex Backeberg (Tobusch fishhook cactus; synonyms: *Mammillaria tobuschii*, *Echinocactus tobuschii*) is in danger of becoming extinct within the foreseeable future throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their applications to *Ancistrocactus tobuschii* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, this species occurred in several scattered

localities in the Balcones Canyonlands. Now, this cactus is known from only a few locations in northern Bandera County and western Kerr County, Texas. In the past, habitat destruction has occurred as a result of natural processes, such as flooding and stream bank erosion. This species is also very vulnerable to any change in stream flow or any activity affecting the drainage of these streams. The Edwards Underground Water District is promoting and building recharge dams on streams in the general area. One such project has been projected for the Sabinal River, but it is downstream from the sites. Water agencies dealing with projects on these streams should consider the presence of *Ancistrocactus tobuschii*. Also, the State of Texas recently acquired a large ranch which included the upper part of the Sabinal River for development as a new state park. This development, which could affect drainage, should be managed so as to protect the downstream populations of this species.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Collection is a major threat to the survival of this species. Collectors are attracted by the rarity of this cactus. The species appears to have been eliminated from its type locality (locale from which the species was originally described), by collectors. Publishing locational information would probably result in the quick removal of all plants by commercial collectors.

(3) *Disease or predation* (including grazing). *Ancistrocactus tobuschii* occurs in areas now being grazed. The present level of grazing does not seem to affect the species. Increased grazing by goats during the wet season of the year when the plants are emergent could cause physical damage to the cacti (inflicted by the goats' hooves).

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat. All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the species, and therefore does not regulate internal trade in the cactus, or habitat destruction. No other Federal protective laws currently apply to it.

(5) *Other natural or man-made factors affecting its continued existence.* Restriction to a very specialized and localized habitat in a small geographical area, and the susceptibility of this habitat to destruction through natural processes of erosion and flooding and a very low total population level (no more

than 200 plants in the wild) with a resultant restricted gene pool are all factors which tend to intensify the threat to this plant. Lack of seedlings in the wild populations is another problem for this species. Small seedlings have not been observed since 1952; this is definitely a factor in the rapid decline of this species over the past 27 years.

#### Effects of the Rulemaking

Section 7(a) of the Act as amended provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of section 7 of the Endangered Species Act Amendments of 1978.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this taxon.

Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The regulations which pertain to Endangered plant species are found at §§ 17.61-17.63 and are summarized below.

All provisions of section 9(a)(2) of the Act, as implemented by § 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June

24, 1977 (42 FR 32372-32381) codified in 50 CFR Part 17, provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants, such as trade in specimens of cultivated origin.

#### Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which requires a permit for export of the taxon. The Service will review *Ancistrocactus tobuschii* to determine whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

#### National Environmental Policy

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

#### Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation to determine a species to be an Endangered or Threatened species is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

*Ancistrocactus tobuschii* has already been reduced in numbers and is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973 for plants. Publication of critical habitat maps would make this species more vulnerable to taking and therefore it would not be prudent to determine critical habitat.

*Ancistrocactus tobuschii* was proposed on June 16, 1976 (41 FR 24536), and since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service is proceeding at this time with a final rulemaking to determine this species to be Endangered pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered

Species Act (16 U.S.C. 1531-1543, 87 Stat. 884).

The primary author of this rule is Ms. Rosemary Carey, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235-1975). The status report used as a major source in support of this listing was prepared by Del Weniger, Department of Biology, Our Lady of the Lake University, San Antonio, Texas 78285.

#### 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Common name	Scientific name	Known distribution	Portion endangered			
Cactaceae—Cactus Family: Tobusch fishhook cactus.	<i>Ancistrocactus tobuschii</i> .	U.S.A. (Tex.) .....	Entire .....	E	81	NA

Dated: November 1, 1979.

Robert S. Cook,  
Acting Director, Fish and Wildlife Service.

[FR Doc. 79-34386 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Determination that *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* are Endangered Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines *Echinocereus viridiflorus* var. *davisii* (Davis' green pitaya) and *Coryphantha minima* (Nellie Cory cactus), native plants of Texas, to be Endangered species. They have no present protection from any agency. A past period of commercial exploitation has caused a decline in their natural population, and they are greatly threatened by further taking. These narrow endemics are restricted to a single mineral outcrop and would be highly vulnerable to any alteration of the habitat through range management or to mining of its mineral base. This action will extend to this plant the protection provided by the Endangered Species Act of 1973, as amended.

**DATE:** This rulemaking becomes effective on December 7, 1979.

#### Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant species to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be Endangered, Threatened, or extinct.

On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned **Federal Register** publication.

*Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* were included in both the July 1, 1975, notice of review and the June 16, 1976 proposal. A public hearing on the June 16, 1976 proposal was held on July 22, 1976, in El Segundo, California, and on July 28, 1976, in Kansas City, Missouri. Another public hearing was held on July 9, 1979, in Austin, Texas for the seven Texas cacti proposed as Endangered Species, including *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima*.

In the June 24, 1977, **Federal Register**, the Service published a final rulemaking (42 FR 32373-32381), codified at 50 CFR Part 17) detailing the regulations to protect Endangered and Threatened plant species. The rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this rule does not meet the criteria for significance in the Department Regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

#### Summary of Comments and Recommendations

In keeping with the intent of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received are here published in the **Federal Register** prior to adding these species to the Lists of Endangered and Threatened Wildlife and Plants.

#### FOR FURTHER INFORMATION CONTACT:

Mr. John Spinks, Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C., 20240, 703/235-2771.

#### SUPPLEMENTARY INFORMATION:

##### Background

*Echinocereus viridiflorus* var. *davisii* (Davis' green pitaya) and *Coryphantha minima* (Nellie Cory cactus) are found together on a single mineral formation in the Marathon Basin of northern Brewster County, Texas. These cacti are members of the suite of rare plants restricted to this mineral outcrop and as such are a valuable resource for the scientific investigation of various ecological relationships. Their range is small, as are the size of their populations: a few hundred individuals of *Echinocereus viridiflorus* var. *davisii* and a few thousand individuals of *Coryphantha minima* (this estimate is based on the best available population data). Both cacti are successfully reproducing as indicated by their relative abundance within their range and numerous young plants. The populations of both cacti appear healthy and vigorous. The main factor affecting the population levels of these cacti has been commercial collecting, which resulted in their removal from part of their range.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals and conservation organizations. Few of these comments were specific in nature, in that they did not address individual plant species. Most comments addressed the program, or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Some of these comments addressed the general problems of cacti conservation. Additionally many comments on the cactus trade were received in response to the June 7, 1976, proposed rule (41 FR 22915) on prohibitions and permit provisions for plants under Section 9(a)(2) and 10(a) of the Act. These comments are summarized in the June 24, 1977, Federal Register final prohibitions and permit provisions. Five comments specific to *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* were received. One comment from a horticulturist working with cacti stated that *Echinocereus viridiflorus* var. *davisii* was easily grown from seed and that such specimens were healthier and therefore more salable than collected plants. He believed that such propagation was both good conservation and good business.

The editor of the Cactus and Succulent Journal wrote in response to the proposed rules for plants, stating that vegetative propagation and propagation from seed was being successfully done with both *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* and ought to be encouraged. Permits are available for the enhancement of propagation or survival of Endangered species; these permits are easily obtainable for seeds and cultivated plants. Two nurserymen wrote with similar concerns about the proposed rules, citing *Echinocereus viridiflorus* var. *davisii* as a very successfully propagated rare cactus. They wanted to see no restrictions on the sale and exchange of seeds and of plants propagated in captivity. The existing permit regulations pose minimal restrictions for these two categories of plants; they should be in fact encourage cooperative propagation efforts. Botanists have submitted information on these species since the close of the official comment period. In a letter dated February 17, 1977, Dr. Lyman Benson of Pomona College commented that *Coryphantha minima* was one of

the most important species requiring protection of those proposed for protection due to its narrow endemism and its desirability for cultivation. He stated that *Echinocereus viridiflorus* var. *davisii* was also desirable for cultivation and that both species were considerably exploited. A knowledgeable cacti horticulturist commented that these two species were critically in need of protection because of the collectors who threatened to remove all known plants from the wild. The Governor of Texas was notified of this proposed action. The Governor submitted no comments on the proposed action, nor did the State Conservation Agency. The Texas Parks and Wildlife Department had previously commented that *Coryphantha minima* was one of the rarest cacti of Texas.

On July 9, 1979, a second public hearing was held in Austin, Texas, and the comment period was officially reopened (July 2 through July 23, 1979). The Governor of Texas was again notified of the proposal to list *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* as Endangered species. The Governor submitted no comments on the proposed action.

One written comment specific to these two cacti was received in the July 1979 comment period. The El Paso Cactus and Rock Club favored listing these species as Endangered.

At the July 9, 1979, public hearing in Austin, Texas, Del Weniger, chairman of the Biology Department at Our Lady of the Lake University in San Antonio, commented on the natural history and distribution of these two species. He described *Echinocereus viridiflorus* var. *davisii* as a very rare cactus which was protected from collectors by its inconspicuousness. He described *Coryphantha minima* as an even rarer cactus restricted to one ranch: "here is a plant whose existence depends on one landowner because it exists only in that one landowner's property." He recommended that both species be final-listed as Endangered because of collecting threats and possible habitat destruction from range improvement programs.

#### Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Echinocereus viridiflorus* Englem var. *davisii* (Houghton) L. Benson (Davis' green pitaya; synonym: *Echinocereus davisii*) and *Coryphantha minima* Baird (Nellie, Cory cactus; synonyms: *Coryphantha Nellieae*, *Mammillaria Nellieae*, *Escobaria*

*Nellieae*) are in danger of becoming extinct within the foreseeable future throughout all or a significant portion of their range due to one of more of the factors described in Section 4(a) of the Act.

These factors and their application to *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, the main range of these species was on two ranches in northern Brewster County, Texas. Typical ranch operations—grazing, etc.—are carried on here. This has not altered the habitat to date, and the present ranching activity does not seem to pose any threat to the habitat or to these species. *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* occur on only one mineral base. This is the only known deposit of that mineral in Texas. While it is emphasized that there are no known plans for mining this mineral here, it is mined in Arkansas. Any move to such mining would immediately affect these plants.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* These species are greatly desired show plants and collectors' items. Entire plants are collected by cactus dealers and amateur growers. Historically, the main range for *Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* was on two large adjacent ranches (*E. viridiflorus* var. *davisii* also extended onto a third ranch). In the sixties, one of the two ranch owners allowed cacti collectors free access to his lands; cacti for the trade were taken over a number of years from this ranch. The populations of both species on that ranch have been completely extirpated. The closed ranch contains all the remaining populations of *Coryphantha minima* and the greater part of *Echinocereus viridiflorus* var. *davisii*. These plants are not protected in any way, except by the fact that the few botanists knowing their whereabouts avoid giving out the precise locations. Once this information is generally available, these cacti would be highly vulnerable to taking.

(3) *Disease or predation* (including grazing). Limited grazing occurs on the ranchlands where these cacti are found. No adverse effects from the present level of grazing have been noted.

(4) *The inadequacy of existing regulatory mechanisms.* The State of Texas provides no protection for these species.

All native cacti are on Appendix II of the Convention on International Trade

in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the cactus and, therefore, does not regulate interstate or intrastate trade in the cactus or habitat destruction. No other Federal protective laws currently apply specifically to these species. The Endangered Species Act will now offer additional protection for these cacti.

(5) *Other natural or manmade factors affecting its continued existence.* Restriction to a very specialized and localized mineral outcrop, with a low total population level consisting of small and scattered populations with a resultant restricted gene pool are factors which tend to intensify the adverse effects of threats to these plants and their habitat.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to these species.

Endangered species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations which pertain to Endangered plant species, are found at §§ 17.61-17.63 (42 FR 32378-32381).

Section 9(a)(2) of the Act, as implemented by Section 17.61 would

apply. With respect to any species or plant listed as Endangered, it is, in general, illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport, or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 (42 FR 32373-32381, 50 CFR Part 17), also provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants.

Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention of International Trade in Endangered Species of Wild Fauna and Flora which requires a permit for export of this plant. The Service will review whether these taxa should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation (to determine a species to be an Endangered or Threatened species) is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

*Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* are threatened by taking and the taking of plants is not prohibited by the Endangered Species Act of 1973. Publication of Critical Habitat maps would make these species more vulnerable to taking and therefore it would not be prudent to determine Critical Habitat.

*Echinocereus viridiflorus* var. *davisii* and *Coryphantha minima* were proposed for listing as Endangered plants on June 16, 1976. Since it has been determined to be imprudent to designate Critical Habitat for these species at this time, and all listing requirements of the Act have been satisfied, the Service now proceeds with the final rulemaking to determine these species to be Endangered under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The primary author of this rule is Ms. Rosemary Carey, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plants:

§ 17.12. Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Cactaceae—Cactus family:						
<i>Echinocereus viridiflorus</i> var. <i>davisii</i> .	Davis' green pitaya..	U.S.A. (Tex) .....	Entire .....	E	82	NA
<i>Coryphantha minima</i> .....	Nellie Cory cactus....	U.S.A. (Tex) .....	Entire .....	E	82	NA

Dated: November 1, 1979.  
Robert S. Cook,  
Acting Director, Fish and Wildlife Service.  
[FR Doc. 79-34387 Filed 11-6-79; 8:45 am]  
BILLING CODE 4310-55-M

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Determination that *Coryphantha sneedii* var. *sneedii* is an Endangered Species****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** The Service determines *Coryphantha sneedii* var. *sneedii* (Sneed pincushion cactus), a native plant of New Mexico and Texas, to be an Endangered species. The plants are in demand by cactus collectors, and removal by commercial suppliers and private collectors has caused a severe decline in the natural populations, even though it is available in cultivation. A major population was destroyed some years ago with the construction of the highway through Anthony Pass, between Las Cruces and El Paso. Other populations are subject to potential destruction from general urban growth and the use of the Organ Mountains on the Army's Fort Bliss as an artillery impact area. This determination will extend to this cactus the protection provided by the Endangered Species Act of 1973, as amended.

**DATE:** This rulemaking becomes effective on December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235-2771.

**SUPPLEMENTARY INFORMATION:****Background**

*Coryphantha sneedii* var. *sneedii* is known from the northern Chihuahuan Desert east of Las Cruces, New Mexico and north of El Paso, Texas. It was discovered in 1921, and has been sought by collectors since that time, even though the plant can be propagated in cultivation. Habitat destruction from past highway construction and from general urban growth have also reduced it in numbers and range. Military restrictions in access to Fort Bliss have presumably halted collecting in the Organ Mountains, but use of that area for weapons-testing is a possible threat of unknown magnitude. Existence of the military reservation has increased pressure on those populations outside it. All populations are located in Doña Ana and El Paso Counties, New Mexico and Texas, respectively.

Section 12 of the Endangered Species Act of 1973 required the Smithsonian

Institution to prepare a report on plants which might qualify for listing under the Act. The Secretary of the Smithsonian Institution, in response to Section 12, presented his report on plant taxa to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered by the Smithsonian Institution to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of their report as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within, as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rule in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant taxa to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plants was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned Federal Register publication.

*Coryphantha sneedii* var. *sneedii* was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. Public hearings on this proposal were held on July 22, 1976, in El Segundo, California, and on July 28, 1976, in Kansas City, Missouri. Public hearings were again held on July 9, 1979, in Austin, Texas and July 12, 1979, in Albuquerque, New Mexico for twelve Texas and New Mexico cacti proposed and Endangered species, including this *Coryphantha*. In the June 24, 1977, Federal Register, the Service published a final rule (42 FR 32373-32381, codified at 50 CFR Part 17) detailing the permit regulations to protect Endangered and Threatened plant species. The rule established prohibitions and permit procedures to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this listing rule does not meet the criteria for significance in the Department regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

**Summary of Comments and Recommendations**

In keeping with the general intent of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received is published in the Federal Register prior to adding any plant

species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Some of these comments had addressed the general problems of conservation of cacti.

Additionally, many comments on the cactus trade were received in response to the June 7, 1976, proposed rule (41 FR 22915) on prohibitions and permit provisions for plants under Sections 9(a)(2) and 10 of the Act. These comments are summarized in the June 24, 1977, Federal Register final rule (42 FR 32373-32381) on plant trade prohibitions and permit provisions. Several persons at the recent public hearing in New Mexico indicated lack of familiarity with these prohibitions and permit provisions. Requests for copies of these final trade regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 703/235-1903.

With the July 2, 1979, Federal Register notice (44 FR 38611) for the recent public hearings on certain proposed southwestern cacti comments on the taxon were again solicited, with an official comment period of July 2 through July 23, 1979. The Governors of New Mexico and Texas were notified of the proposal to list *Coryphantha sneedii* var. *sneedii* as an Endangered species.

No reply regarding this taxon has been received from the State of Texas. Although the Governor of New Mexico himself submitted no comment on the proposed action, the New Mexico Natural Resources Department recommends the taxon to be listed as Endangered, without Critical Habitat, indicating that collectors are the most serious threat. The New Mexico Department of Agriculture briefly reported on the survival status of the cactus and also indicated specific areas for the taxon should not be designated. It indicated that before listing the cactus as Endangered, the possible inadequacy of the laws and their implementation should be considered, and that listing might increase threats to the taxon. The Service is aware that listing under the



Act might be harmful; however, in balance it considers that providing the provisions of the Act to this taxon is more likely to prove beneficial than allowing continued inadequate management for the cactus.

Seven other written comments were received concerning this taxon. The U.S. Forest Service, Region 3, recommend the cactus be listed as Endangered. The Southwest Region Office of the Bureau of Reclamation indicated concern that there was a lack of supporting data for the listing, and a lack of detailed information on Critical Habitat for the cactus. Extensive information on the cactus is on file and available in the Service's Albuquerque Regional Office and Washington Office of Endangered Species; it is not prudent to determine Critical Habitat for the cactus because it would increase threats to it, as explained further below. The USDA Soil Conservation Service's State Conservationist, Temple, Texas, indicated they had reviewed the list of seventeen southwestern cacti indicated in the July 2, 1979, *Federal Register*, but that they had no specific comments to make. Two professional botanists have written in concurrence with contracted status information received by the Service, which also recommended Endangered status. A private citizen, in a statement endorsed by the Conservation Committee of the Cactus and Succulent Society of America, recommended the taxon be listed as Endangered because of severe over-collecting. The El Paso Cactus and Rock Club members wrote that they favor listing *Coryphantha sneedii* var. *sneedii* as an Endangered species.

At the July 9, 1979, public hearing in Austin, Texas, no one made comments regarding this cactus. One person inquired regarding the meaning of the term species in the Act and the level of taxonomic precision necessary for effective conservation. Section 3(16) of the Act defines the term species to include subspecific categories, and the use of this term to include taxonomic plant varieties is explained in detail in the April 26, 1978, final rule mentioned above (43 FR 17912-17913). The other variety of this species, *Coryphantha sneedii* var. *leei*, which is found only in Carlsbad Caverns National Park, was listed as a Threatened species on October 25, 1979 (44 FR 61554). At the July 2, 1979, public hearing in Albuquerque, New Mexico, three persons knowledgeable on New Mexico cacti expressed support for listing this cactus, two of them stating that it is Endangered; none opposed the listing. Two of those commenting recommended

a different scientific name for the cactus. The Service has decided generally to use names from work resulting in the most comprehensive scientific treatment on the cactus family for the United States: L. Benson, *The Cacti of the United States and Canada*, Stanford University Press, *in press*. This choice is made to facilitate communication among those concerned with the conservation of cacti; it does not preclude other scientific opinions. The provisions of the Act apply to specimens of this cactus in the taxonomic circumscription represented by *Coryphantha sneedii* var. *sneedii*, or to specimens under any other name with that same circumscription. Known, but not necessarily all synonyms of this cactus, are indicated below.

#### Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Coryphantha sneedii* (Britton et Rose) Berger var. *sneedii* (Sneed pincushion cactus; synonyms: *Escobaria sneedii*, *Mammillaria sneedii*) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Coryphantha sneedii* var. *sneedii* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This cactus is reported from the southern Organ Mountains and Bishop's Cap east of Las Cruces, New Mexico, and from the Franklin Mountains north of El Paso, Texas. This range is in the northern Chihuahuan Desert, in portions of Doña Ana and El Paso Counties, in the southwestern shrubsteppe ecosystem. Most of the Anthony Pass population of this cactus was destroyed some years ago with construction of the highway between Las Cruces and El Paso. Populations in the Organ Mountains within the Fort Bliss Military Reservation are under possible threat from use of the area as an artillery impact area. Populations outside Fort Bliss are subject to damage from general urban expansion.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* This cactus has been heavily taken by commercial and private collectors since its original discovery in 1921, despite the fact that it is readily propagated and available in cultivation. Its proximity to the urban centers of El Paso and Las Cruces has intensified collection of it. It has been offered for national and international sale recently

from specimens probably removed from the wild.

(3) *Disease or predation* (including grazing). Not applicable to this taxon.

(4) *The inadequacy of existing regulatory mechanisms.* Texas has no known plant conservation law which protects this cactus. New Mexico State Law, Chapter 76, Article 5, Section 21, requires an application to sell collected wild plants, and designation of the wild source area. Article 8 of that Law, Sections 1-4, affords limited protection within 400 yards of any highway to all plants (except noxious weeds), and mentions that all species of *Coryphantha* are among the protected plants. The protection includes limited prohibitions against destruction, mutilation or removal of living plants (except seeds) on State or private land. Some populations of this cactus may be within 400 yards along roads in Doña Ana County.

Those populations within Fort Bliss Military Reservation are not accessible to the public, and much of the habitat is also restricted from military personnel, but no particular plans have been developed regarding this cactus.

All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This Convention regulates export of the cactus, but does not regulate interstate or intrastate trade in the cactus, or habitat destruction. The Endangered Species Act, as amended, will now offer additional protection for the taxon.

5. *Other natural or man-made factors affecting its continued existence.* The cactus appears to be generally restricted to soil from a particular rock type in the area. In cultivation the plant is grown from seed and also readily propagated from offsets, and therefore readily available. It is tolerant of a wide range of conditions in cultivation. There is no sound reason for cactus hobbyists to seek wild plants of this variety. *Coryphantha sneedii* var. *sneedii* intergrades with *Coryphantha strobiliformis* in the Franklin Mountains, and its similarity to that species may cause some collectors to overlook it.

#### Effects of the Rulemaking

Section 7(a) of the Act, as amended, provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species



listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. This rule requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this taxon. New rules implementing the 1978 Amendments to Section 7 of the Act are being prepared now by the Service.

Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Endangered plant species are found at §§ 17.61-17.63 (42 FR 32378-32380).

Section 9(a)(2) of the Act, as implemented by § 17.61, will apply. With respect to any species of plant listed as Endangered, it is, in general, illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport, or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 (42 FR 32373-32381, codified at 50 CFR Part 17), provide for the issuance of permits, under certain circumstances, to carry out otherwise prohibited activities involving Endangered plants, such as trade in specimens of cultivated origin. The Service anticipates few permit requests involving wild specimens of this taxon.

When these regulations for plants implementing Sections 9(a)(2) and 10 of the Act were proposed (41 FR 22915), many comments questioned the lack of any taking prohibition, and some suggested that the lack of such a prohibition may be a reason for keeping

information on the localities of some taxa secret. When these regulations were made final on June 24, 1977, the summary of comments included the following (42 FR 32376):

The "taking" of plants is not prohibited by Section 9(a)(2) of the Act and, therefore, cannot be included within these regulations. However, the "taking" of plants is sometimes regulated by local, State, or Federal agencies under other legislation, and the Federal responsibilities under Section 7 apply if taking of individual plants would jeopardize the continued existence of the Endangered or Threatened species.

#### Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export of this plant. The Service will review whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

#### National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

#### Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

#### § 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Cactaceae—Cactus family:						
<i>Coryphantha sneedii</i> .....	Sneed pincushion.....	U.S.A. (N. Mex. ....	Entire .....	E	78	NA
var. <i>sneedii</i> .....	cactus .....	Tex.) .....				

Dated: November 1, 1979.

Robert S. Cook,  
Acting Director, Fish and Wildlife Service.

[FR Doc. 79-34388 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-55-M

At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

*Coryphantha sneedii* var. *sneedii* has already been reduced in numbers and is threatened by taking, and the taking of plants is not directly prohibited by the Endangered Species Act of 1973. The State of New Mexico has general but limited prohibitions on removal of *Coryphantha* species, and the cactus receives no definite protection under Texas State law or on some private land. The proximity of this cactus to urban centers increases collecting pressures on it. Publication of Critical Habitat maps would make this taxon more vulnerable to taking and therefore it would not be prudent to determine Critical Habitat.

*Coryphantha sneedii* var. *sneedii* was proposed for listing as an Endangered species on June 16, 1976 (41 FR 24570). Since it has been determined to be not prudent to designate Critical Habitat for this cactus at this time, and all other listing requirements of the Act have been satisfied, the Service now proceeds with the final rule to determine this species to be Endangered under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543; 87 Stat. 884).

The primary author of this rule is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-1975).

#### Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Add, in alphabetical order by family, genus, species, and variety, the following plant:

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Determination That *Echinocereus Triglochidiatus* Var. *Inermis* Is an Endangered Species****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** The Service determines *Echinocereus triglochidiatus* Engelm. var. *inermis* (Schum.) G. K. Arp (Spineless hedgehog cactus), a native plant of Colorado and Utah, to be an Endangered species. Historically more widespread, this cactus is presently known from only four populations on the rugged tablelands of the Colorado Plateau. The total population of this cactus currently numbers about 3000 plants. Exploitation of the Spineless hedgehog cactus by commercial and private collectors has been well documented. Depletion of the natural population, about 90% of which occurs on Federal lands administered by the Bureau of Land Management, is an ongoing problem, and is the major threat to this taxon. The determination that *Echinocereus triglochidiatus* var. *inermis* is an Endangered species implements the protection provided by the Endangered Species Act as well as mechanisms to assist in management and recovery of surviving populations.

**DATE:** This rulemaking becomes effective on December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Spinks, Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (702/235-2771).

**SUPPLEMENTARY INFORMATION:****Background**

*Echinocereus triglochidiatus* var. *inermis* (Spineless hedgehog cactus) is known from only four populations in far western Colorado and adjacent eastern Utah. The total population, numbering about 3,000 plants, is scattered in the rugged mountainous country of the Colorado Plateau. It is a highly unusual cactus because it lacks spines. Individuals with small, rudimentary spines are occasionally seen in addition to the more common totally spineless condition. The curiosity of a spineless cactus, in conjunction with its scarlet red flowers, makes *Echinocereus triglochidiatus* var. *inermis* a favorite of both private and commercial cacti collectors.

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented

his report on plant species to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be Endangered, Threatened or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned Federal Register publication.

*Echinocereus triglochidiatus* var. *inermis* was included in the June 16, 1976, proposal. A public hearing on the June 16, 1976, proposal was held on July 22, 1976, in El Segundo, California.

In the June 24, 1977, Federal Register, the Service published a final rulemaking (42 FR 32373-32381, codified at 50 CFR Part 17) detailing the regulations to protect Endangered and Threatened plant species. The rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

**Note.**—The Department has determined that this rule does not meet the criteria for significance in the Department Regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

**Summary of Comments and Recommendations**

In keeping with the intent of Section 4(b)(1)(c) of the Act, a summary of all comments and recommendations received are here published in the Federal Register prior to adding this cactus to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature, in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and

their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Some of these comments had addressed the general problems of cacti conservation. Additionally many comments on the cactus trade were received in response to the June 7, 1976, proposed rule (41 FR 22915) on prohibitions and permit provisions for plants under Section 9(a)(2) and 10(a) of the Act. These comments are summarized in the June 24, 1977, final prohibitions and permit provisions (43 FR 32374-32381). The governors of Utah and Colorado were both notified of the proposed action. The governors themselves submitted no comments, nor did the conservation agencies of either state. Comments specific to *Echinocereus triglochidiatus* var. *inermis* have all concerned the ongoing taxonomic debate over the correct ranking status of this taxon. The question raised by several botanists specializing in cacti is whether this spineless cactus should be legitimately recognized at the level of variety. One view holds that segregation of this taxon is based on a single character, spinelessness, and that such a single character difference is insufficient evidence on which to distinguish a variety. In this argument, the definition of a variety is based upon the tendency of a cluster of characters to remain together. The opposing view, supported by Dr. Gerald Arp, Senior Research Geobotanist at ARCO, Dr. Dieter H. Wilken, Curator at Colorado State University Herbarium, Dr. William A. Weber, Curator at the University of Colorado Museum at Boulder, and Barry Johnston, a graduate student at the University of Colorado who has been employed doing field and herbarium studies of this taxon, holds that the "only true test of a taxonomic system is practicality in expressing the systematic relationships of natural populations. The fact that this cactus is recognized by individuals (i.e. cactus collectors) as a distinct entity emphasizes the practicality. This recognition, combined with some apparent populational integrity and isolation, should serve to support the recognition of var. *inermis*."

**Conclusion**

After a thorough review and consideration of all the information available, the Director has determined that *Echinocereus triglochidiatus* Engelm. var. *inermis* (Schum.) G. K. Arp (Spineless hedgehog cactus; synonyms: *Echinocereus phoenicis* var. *inermis*, *Echinocereus coccineus* var.

*inermis*) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Echinocereus triglochidiatus* var. *inermis* are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The greatest threat to *Echinocereus triglochidiatus* var. *inermis* is from commercial and private cactus collectors who remove these plants from the desert. This threat is particularly severe where populations occur along roads. Also, the one population of Spineless hedgehog cactus that has been located by the general public was immediately and totally collected.

In addition to overcollection, this cactus is also threatened by overgrazing. Sheep eat the joints of this spineless cactus which, because it prevents flowering and thus reproduction, leads to the decline of this taxon.

Another threat to *Echinocereus triglochidiatus* var. *inermis* is habitat modification. Two activities which pose a long-range threat to this cactus' habitat on the Colorado Plateau are type conversions and chaining and seeding operations to create more grazing land and mineral exploration and mining activities. The general region where this cactus occurs is potentially subject to future development of mineral deposits. There are no current conflicts with known populations of *Echinocereus triglochidiatus* var. *inermis* and potential activities are too ill-defined to anticipate the possible extent of threats to the cactus.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Because of its highly unusual spineless character and large, scarlet red flowers, *Echinocereus triglochidiatus* var. *inermis* is in worldwide demand by collectors of rare cacti. This cactus, being very rare and highly endemic, has been, and will continue to be, a particular prize among collectors and therefore is very threatened by unregulated commercial trade from specimens of wild origin. Removal of plants from the wild has occurred and has resulted in the severe depletion of one wildlands population in Colorado. This over-collection is an ongoing threat.

3. *Disease or predation* (including grazing). Overgrazing is a definite threat to the Spineless hedgehog cactus. Because it lacks spines, sheep eat the tips of the joints. This decreases reproduction in *Echinocereus triglochidiatus* var. *inermis* since the joints secrete a very hard callous

covering over the damaged area, and will not flower again. Although cattle do not eat this cactus, cattle grazing adversely affects this species by trampling, especially young plants during wet seasons of the year when the ground is muddy.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws fully protecting this cactus or its habitat. The following restrictive provisions are currently available for those plants (95% of the total population) occurring on Federal lands. The Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (the BLM Organic Act) to restrict taking of vegetative resources under certain circumstances. Present regulations state that removal of plants for commercial purposes may be done only where specifically authorized by law (43 CFR 6010.2). Forest Service regulations prohibit the taking of Endangered plants on Forest Service lands (36 CFR 261.9(b)). Forest Service regional offices may implement permit systems, pursuant to 36 CFR 261.1a, for collecting rare plants. However, no such permit system yet exists in this region. Taking and vandalism remain threats to Endangered and Threatened plant species occurring on these lands. The Endangered Species Act will afford additional and broader protection.

All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the cactus but does not regulate interstate or intrastate trade in the cactus or habitat destruction. Except as noted in the preceding paragraph, no other Federal protective laws currently apply specifically to this species. The Endangered Species Act will now offer additional protection for this cactus.

5. *Other natural or manmade factors affecting its continued existence.* Restriction to particular bedrock outcroppings with a low total population level consisting of small, scattered and disjunct populations with a resultant restricted gene pool are factors which tend to intensify the adverse effects of threats to this plant and its habitat.

#### Effect of the Rulemaking

Section 7(a) of the Act amended in 1978 provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by

carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (b) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations which pertain to Endangered plant species, are found at §§ 17.61-17.63 [42 FR 32378-32381].

Section 9(a)(2) of the Act, as implemented by § 17.61 would apply. With respect to any species or plant listed as Endangered, it is, in general, illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport, or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 [42 FR 32373-32381, 50 CFR Part 17], also provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants. It is no anticipated that there will be a large number of permit applications generated as a result of this rulemaking.

#### Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention of International Trade in Endangered Species of Wild Fauna and Flora which requires a permit for export of this plant.

The Service will review whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

#### National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

#### Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation (to determine a species to be an Endangered or Threatened species) is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

*Echinocereus triglochidiatus* var. *inermis* is threatened by taking and the taking of plants is not prohibited by the Endangered Species Act of 1973. Publication of Critical Habitat maps would make this species more vulnerable to taking and therefore it would not be prudent to determine Critical Habitat. Federal agencies will be notified of the locations of these plants for protection purposes. BLM, the principal Federal agency involved, is aware of the location of the plant.

*Echinocereus triglochidiatus* var. *inermis* was proposed for listing as an Endangered plant on June 16, 1976 (41 FR 24570). Since it has been determined to be imprudent to designate Critical Habitat for this species at this time, and all listing requirements of the Act have been satisfied, the Service now proceeds with the final rulemaking to determine this species to be Endangered under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The primary author of this rule is Ms. Rosemary Carey, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

#### Regulation Promulgation

Accordingly, § 17.12 of Part 17 of

Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species and variety, the following plant:

#### § 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
<i>Echinocereus triglochidiatus</i> var. <i>inermis</i> .	Spineless hedgehog cactus.	U.S.A. (Co., Utah).....	Entire .....	E	80	NA

Dated: October 31, 1979.

Robert S. Cook,  
Acting Director, Fish and Wildlife Service.

[FR Doc. 79-34389 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-55-M

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Wednesday  
November 7, 1979

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**Part V**

**Department of the  
Interior**

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**Bureau of Land Management**

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**Outer Continental Shelf, Joint Federal/  
State Beaufort Sea; OCS Leasing  
Systems, Sale No. BF**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

Outer Continental Shelf, Joint Federal/  
State Beaufort Sea; Outer Continental  
Shelf Leasing Systems, Sale No. BF

## OUTER CONTINENTAL SHELF, JOINT FEDERAL/STATE BEAUFORT SEA

## Notice of Outer Continental Shelf Leasing Systems, Sale No. BF

Sec 8(a)(8) (43 U.S.C.1337(a)(8)) of the Outer Continental Shelf Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Lease Sale BF, a system employing a cash bonus bid with a royalty established according to a semi-logarithmic sliding scale will be used on all 50 Federal and disputed lease units. This system is authorized by Sec. 8(a)(1)(C) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was first introduced in OCS Lease Sale #43 and used again in the last seven OCS lease sales as part of the commitment by the Department of the Interior and the Department of Energy to develop and test new bidding systems.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. In such cases, the expected bonus would be reduced, which may improve competition for leases. This would also tend to reduce the likelihood of production losses that could result if royalty rates are set by other means, such as royalty bidding, at levels so high that production is made uneconomic. These production losses are dependent upon the different exploration, development and production costs for the specific area. Because the assumed costs were different in the Sale BF area than other areas, the formula provided for this sale is slightly different from that utilized in other sales (for example, Sale No. 42).

The sliding scale used in Sales #43 and #45 was linear in form. Although this form is easy to depict it has three disadvantages which may affect the socially optimal level of production. At certain levels of production, a linear schedule causes erratic fluctuations in the royalty charged on increments in output which may lead producers to make socially non-optimal production decisions in order to minimize these royalty impacts on revenues. Marginal royalty rates also can reach very high levels even though average rates are low. In addition, because production costs are non-linear it can be shown that the royalty rate schedule should more closely conform to the functional form of these costs in order to minimize production losses.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to \$13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted

value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$13.236230 million, but less than or equal to \$1662.854082 million, the royalty percent due on the unadjusted value is given by the formula

$$R_j = b[\ln(V_j/S)]$$

where,

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter  $j$

$$b = 10.0$$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$$S = 2.5$$

When the adjusted quarterly value of production is equal to or greater than \$1662.854082 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding

the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

B. Designation of Tracts. The joint nature of the lease sale as between the Federal Government and the State of Alaska made it desirable to offer all the Federal and disputed lease units under the same system. This reduces administrative costs and lessens the complexity of the terms and conditions for potential bidders. Additionally, it facilitates unitization agreements and may prevent inefficient production decisions in order to minimize royalty payments.

Ed Hasloy,  
Associate Director, Bureau of Land  
Management.

Approved: November 2, 1979.

Heathor L. Ross,  
Deputy Assistant Secretary of the Interior.  
(FR Doc. 79-34457 Filed 11-6-79; 8:45 am)  
BILLING CODE 4310-84-C





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Wednesday  
November 7, 1979

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**Part VI**

**Department of the  
Interior**

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**Bureau of Land Management**

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**State of Alaska Department of Natural  
Resources; Joint Federal/State Beaufort  
Sea Oil and Gas Lease Sale BF**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## State of Alaska, Department of Natural Resources; Federal/State Joint Beaufort Sea Oil and Gas Lease Sale BF

This is the final notice of sale for the proposed joint Federal/State Beaufort Sea lease sale in the offshore waters of the Beaufort Sea off northern Alaska. The principles and conditions under which the United States and the State of Alaska will jointly conduct the proposed sale are specified in the Memorandum of Understanding (MOU) of March 1978, and the Interim Agreement of October 26, 1979, and its accompanying documents. This notice applies to those tracts (leasing units) under Federal jurisdiction; those tracts the jurisdictional status of which is in dispute between the State of Alaska and the United States; and those tracts under State jurisdiction. The disputed tracts, with the exception of the area surrounding the feature known as Dinkum Sands,\* will be leased and managed by the Federal Government. The State of Alaska will lease and manage those tracts in the Dinkum Sands area, namely, tracts BF-64, BF-70, BF-71, and BF-116. The term "Federally managed tracts" as used hereafter in this notice will always include all undisputed Federal tracts and all disputed tracts except those disputed tracts in the Dinkum Sands area. The term "State managed tracts" as used hereafter in this notice will always include all undisputed State tracts and those disputed tracts in the Dinkum Sands area. The jurisdictional status of all disputed tracts will be determined by the United States Supreme Court. Bidding procedures and requirements for these tracts will be shown under the Federal or State procedures described below.

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, and the regulations issued thereunder (43 CFR Part 3300); and Alaska Statutes 38.05.020, 38.05.137, 38.05.180.

2. Filing of Bids.

a. Federally managed tracts: Sealed bids for Federally managed tracts will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 620 East 10th Avenue, Anchorage, Alaska. Bids may be delivered either by mail or in person, to the above address until 4:00 p.m., Alaska Standard Time, December 7, 1979; or by personal delivery to the Traveler's Inn, Chena Room, 813 Noble Street,

\* This area includes those tracts within a 3 geographical mile radius of a geographic point at latitude 70°25'26" north and longitude 147°47'47" west but outside the 3 mile boundaries of Narwhal Island to the east and Cross Island to the west.

in Fairbanks, Alaska, between 1:00 p.m. and 5:00 p.m. on December 10, 1979, or to the Traveler's Inn, Gold Room (same address), between the hours of 8:30 a.m., and 9:30 a.m., December 11, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., December 11, 1979. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale for Federally managed tracts was published in 44 FR 60416, October 19, 1979, as corrected in 44 FR 61263, October 24, 1979.

b. State managed tracts: Sealed bids for State managed tracts will be received by the Director, Division of Minerals and Energy Management, Department of Natural Resources, 703 West Northern Lights Boulevard, Anchorage, Alaska 99503. Bids may be delivered either by mail or in person, to the above address until 4:00 p.m., Alaska Standard Time, December 7, 1979; or by personal delivery to the Traveler's Inn, Chena Room, 813 Noble Street, in Fairbanks, Alaska, between 1:00 p.m., and 5:00 p.m., on December 10, 1979, or to the Traveler's Inn, Gold Room (same address), between the hours of 8:30 a.m., and 9:30 a.m., December 11, 1979. Bids received by the Director later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Director prior to 9:30 a.m., December 11, 1979. All bids must be submitted and will be considered in accordance with applicable State statutes, including AS 38.05.020, 38.05.137, and 38.05.180 and regulations.

3. Method of Bidding.

a. Federally managed tracts: A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Leasing (insert number of tract)", not to be opened until 10 a.m., December 11, 1979, must be submitted for each Federally managed tract. A suggested form appears in 43 CFR Part 3300 (44 FR 38289, June 29, 1979) Appendix A. Bidders are advised that tract (leasing unit) numbers are assigned solely for administrative purposes and are not the same as block numbers found on official leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12.a. will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, (44 FR 38289, June 29, 1979) Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

b. State managed tracts: A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Leasing (insert number of tract), not to be opened until 10 a.m., December 11, 1979," must be submitted for each State managed tract. State bid forms, DME 5-79, are available from the Division of Minerals and Energy Management, 703 West Northern Lights Boulevard, Anchorage, Alaska. Bidders are advised that tract (leasing unit) numbers are assigned solely for administrative purposes and are not the same as block numbers found on official leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by certified check payable to the order of the Department of Revenue, State of Alaska. No bid for less than a full tract as described in paragraph 12.b. will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places. Other documents may be required of bidders under 11 AAC 82.430.

#### 4. Bidding Method.

a. Federally managed tracts: The bidding method on all Federally managed tracts will be bonus bidding with a fixed sliding scale royalty. Bids on all Federally managed tracts must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed, or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to \$13,236,229 million, a royalty of 16.6667 percent in amount or value of production saved, removed, or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$13,236,230 million, but less than or equal to \$1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b / \ln (V_j/S)$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter  $j$

$$b = 10.0$$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$$S = 2.5$$

When the adjusted quarterly value of production is equal to or greater than \$1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted

quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed, or sold.

In determining the quarterly percent royalty due,  $R_j$ , the calculation will be rounded to five decimal places (for example, 22.52109 percent). This calculation will incorporate the adjusted quarterly value of production,  $V_j$ , in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 41.738629 millions of dollars).

The form of sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the Federal lease form (or comparable provisions of the State lease form where appropriate). The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Leases awarded on the basis of cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of \$8 per hectare or fraction thereof.

Bidders for Federally managed tracts covered by this notice should recognize that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

b. State managed tracts: The bidding method on State managed tracts BF-64, BF-70, BF-71, and BF-116 will be the same as that described in 4.a.

The bidding method on State managed tracts BF-60, BF-61, BF-62, BF-68, BF-69, BF-75, BF-76 and BF-82 will be a fixed cash bonus of \$1,750 per acre, a fixed royalty of 20 percent, and a net profit share bid variable expressed in percent to a maximum of five decimal places. The bidding method on state managed tracts BF-46, BF-47, BF-48, BF-49, BF-50, BF-51, BF-52, BF-53, BF-54, BF-55, BF-56, BF-57, BF-58, BF-59, BF-66, BF-67, BF-113 and BF-114 will be a fixed cash bonus of \$875 per

Figure 1  
Form of the Sliding Royalty Schedule

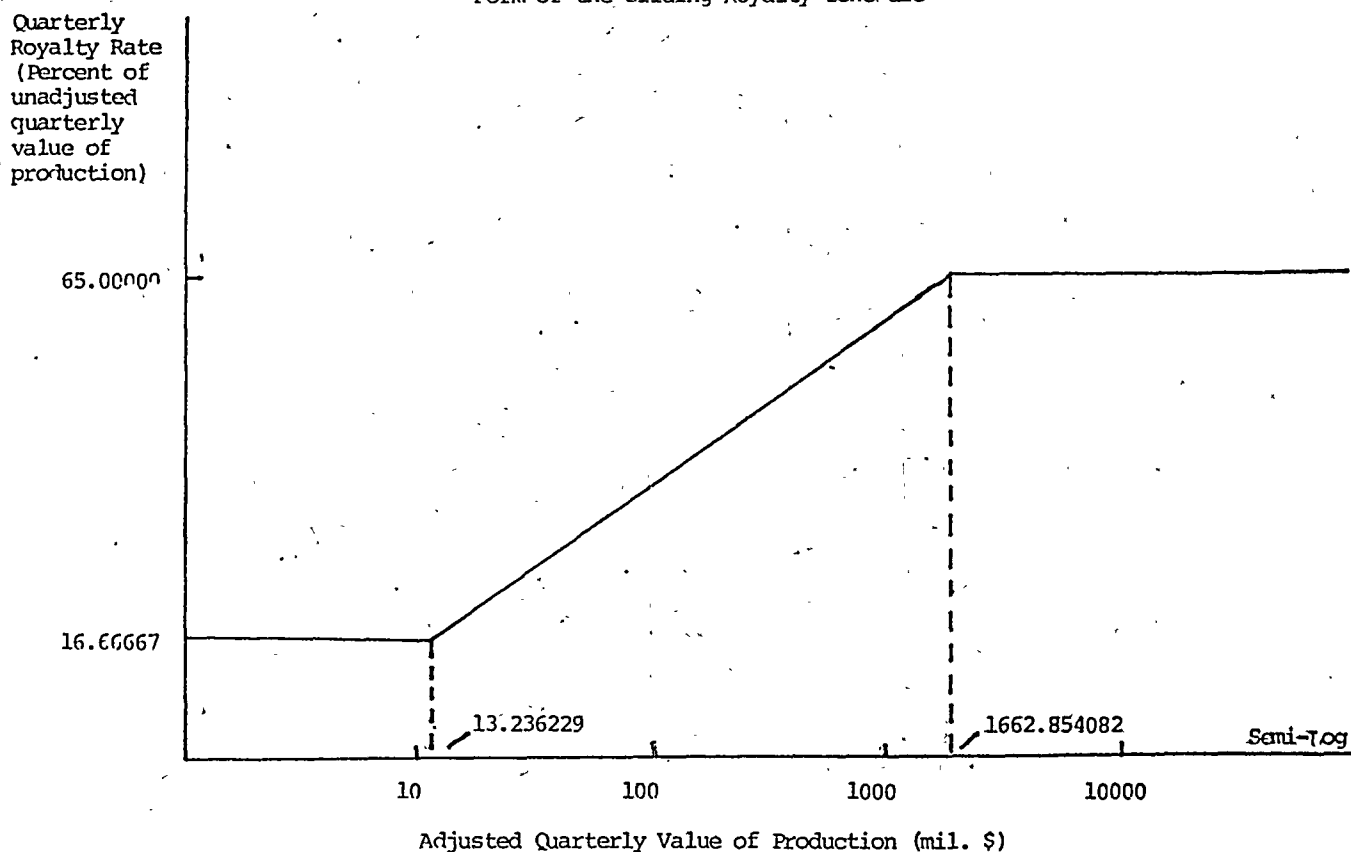


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor <sup>1</sup>	(D) Adjusted Value of Quarterly Production <sup>2</sup> (Vj, Millions of \$)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment <sup>3</sup> (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.97225	6.591675
90.000000	200.0	4/3	67.500000	32.95837	29.662533
270.000000	200.0	4/3	202.500000	43.94449	118.650123
810.000000	200.0	4/3	607.500000	54.93061	444.937941
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	19.74081	5.922243
90.000000	250.0	5/3	54.000000	30.72693	27.654237
270.000000	250.0	5/3	162.000000	41.71306	112.625262
810.000000	250.0	5/3	486.000000	52.69918	426.863358

<sup>1</sup> Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

<sup>2</sup> Column (A) divided by Inflation Factor.

<sup>3</sup> Column (A) times Column (E) divided by 100.

the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

b. State managed tracts: Any cash or certified checks submitted with a bid for State managed tracts may be deposited in an interest bearing account at a bank designated by the State Department of Revenue, during the period the bids are being considered. Such deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the State of Alaska. Further information regarding treatment of bid deposits can be obtained from the Division of Minerals and Energy Management, 703 W. Northern Lights Blvd., Anchorage, Alaska 99503.

#### 8. Withdrawal of Tracts.

a. Federally managed tracts: The United States reserves the right to withdraw any Federally managed tract covered by this notice from this sale prior to issuance of a written acceptance of a bid for that tract.

b. State managed tracts: The State of Alaska reserves the right to withdraw any State managed tract covered by this notice from this sale prior to issuance of a written acceptance of a bid for that tract.

#### 9. Acceptance or Rejection of Bids.

a. Federally managed tracts: The United States reserves the right to reject any and all bids for any Federally managed tract. No bid for any Federally managed tract will be accepted and no lease for any Federally managed tract will be awarded to any bidder unless:

- (1) The bidder has complied with all requirements of this notice and applicable Federal regulations;
- (2) The bid is the highest valid cash bonus bid; and
- (3) The amount of the bid has been determined to be adequate by the Secretary of the Interior. This determination for each disputed tract (leasing unit) requires the concurrence of the State of Alaska.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$62 or more per hectare or fraction thereof.

b. State managed tracts: The State of Alaska reserves the right to reject any and all bids for any State managed tract. No bid for any State managed tract will be accepted and no lease for any State managed tract will be awarded to any bidder unless:

- (1) The bidder has complied with all requirements of this notice and applicable State regulations;
- (2) The bid is the highest valid cash bonus bid or net profit bid; and

acre, a fixed royalty of 20 percent, and a net profit share bid variable expressed in percent to a maximum of five decimal places. Calculation of the net profit is defined in 11 AAC 83.201 - 295. The amount of interest to be earned on the net profit share development account pursuant to 11 AAC 83.212 will be the average of the prime rates of the Citibank, NA New York; Chase Manhattan Bank, NA New York; and the Bank of America, NT & SA San Francisco, prevailing during the month.

The bidding method on state managed tracts BF-63, BF-65 BF-72, BF-73, BF-74, BF-77, BF-78, BF-79, BF-80, BF-81, BF-83, BF-84, BF-85, BF-86, BF-87, BF-88, BF-89, BF-90, BF-91, BF-92, BF-93, BF-94, BF-95, BF-96, BF-97, BF-98, BF-99, BF-100, BF-101, BF-102, BF-103, BF-104, BF-105, BF-106, BF-107, BF-108, BF-109, BF-110, BF-111, BF-112, and BF-115 will be bonus bidding with a fixed sliding scale royalty. Bids on these state managed tracts must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed, or sold fixed according to the sliding scale formula described in section 4.a. of this notice of sale. However, when the quarterly value of production, adjusted for inflation is less than or equal to \$18,472,640 million, a royalty of 20.0000 percent in amount or value of production saved, removed, or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is equal to or greater than \$18,472,641 million but less than or equal to \$1662,854,082 million, the royalty percent due on the unadjusted value or amount of production is given by the formula in 4.a. of this notice of sale.

#### 5. Equal Opportunity.

a. Federally managed tracts: For all Federally managed tracts, each bidder must have submitted by 9:30 a.m., December 11, 1979, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

b. State managed tracts: The State does not have presale certification requirements; however, following issuance of a lease, all lessees are subject to applicable State laws and regulations regarding labor and employment.

#### 6. Bid Opening.

a. Federally managed tracts: All bids will be opened December 11, 1979, beginning at 10:00 A.M., Alaska Standard Time, at the address stated in paragraph 2.a. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If for any reason any bid is not opened before midnight, December 11, 1979, that bid will be returned unopened to the bidder, as soon thereafter as possible.

b. State managed tracts: Same as 6.a.

#### 7. Deposit of Payment.

a. Federally managed tracts: Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid for Federally managed tracts may be deposited in the U.S. Treasury during the period

- (3) The amount of the bid has been determined to be adequate by the State of Alaska. This determination for each disputed tract (leasing unit) requires the concurrence of the United States.

#### 10. Successful Bidders.

- a. Federally managed tracts: Each person who has submitted a bid accepted by the Secretary of the Interior, and concurred in by the State of Alaska for disputed tracts, will be required to execute copies of the lease specified in paragraph 13.a. of this Notice, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3318.1 within the time provided in 43 CFR 3316.5.
- b. State managed tracts: Each person who has submitted a bid accepted by the Commissioner, Department of Natural Resources, and concurred in by the United States for disputed tracts, will be required to execute copies of the lease specified in paragraph 13.b. of this Notice and pay the balance of the cash bonus bid together with the first year's annual rental within fifteen days of receipt of the lease.

#### 11. Leasing Map.

- a. Federally managed tracts: The Federal/State Beaufort Sea Oil and Gas Lease Sale Leasing and Nominatation map, dated January 30, 1979, is available for \$2.50 and an overlay (August 1979) depicting the tracts (leasing units) is available for \$1.50 from the Manager, Alaska Outer Continental Shelf Office, at 620 East 10th Avenue, Anchorage, Alaska 99510, or from the Director, Division of Minerals and Energy Management, 703 W. Northern Lights Blvd., Anchorage, Alaska 99503. Copies of the Supplemental Official OCS Block Diagrams which, along with the leasing and nomination map, constitute the basis for the description of each tract (leasing unit) in the sale area are also available for 10 cents each at the same addresses. Information on the current jurisdictional status of each tract (leasing unit) is provided below.
- The western boundary of the sale area was originally defined on the State of Alaska protraction system on map dated November 21, 1977. However, the new leasing and nomination map dated January 30, 1979, on which this Notice of Sale is based, redefines the western boundary on the Federal protraction system using geographic and UTM coordinates. The boundary starts on the northern edge of block 470 and proceeds south and east through leasing blocks 470, 514, and 558.

- b. State managed tracts: In addition to the maps described in 11.a.; a Federal/State Beaufort Sea Oil and Gas Lease Sale Coordinate Information Map, dated September 24, 1979, and copies of individual leasing unit diagrams for State and disputed tracts are available for informational purposes only, for \$2.50 and 10 cents each, respectively, at the same address.

#### 12. Leasing Unit Descriptions.

- a. Federally managed tracts: A list of Federally managed tracts offered for bid, which includes tracts BF-1 through BF-45, is as follows:

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice.



LEASING AND NOMINATION MAP  
FEDERAL/STATE  
BEAUFORT SEA OIL AND GAS LEASE SALE  
(Approved January 30, 1979)  
FEDERALLY MANAGED TRACTS  
(BF-1 - BF-45)

Tract	Block	Description	Block Hectares	Total Tract (Leasing Unit) Hectares	Total Tract (Leasing Unit) Acres
BF-1	470	Federal Portion	944.59	914.59	2259.95
BF-2	471	"	1420.31	1420.31	3509.59
BF-3	472	"	1389.89	1389.89	3434.42
BF-4	473	"	1354.58	1354.58	3347.17
BF-5 (a)	474	"	1297.72	1297.72	3206.67
BF-5 (b)	475	"	1161.96	1161.96	2871.20
BF-6	476	"	1012.50	1012.50	2516.88
BF-7	477	"	906.43	906.43	2259.95
BF-8	478	"	1731.54	1731.54	4278.64
BF-9	522	"	12.25	12.25	30.83
BF-10	523	"	952.96	952.96	2385.03
BF-11	524	"	2188.12	2188.12	5406.84
BF-12	568	"	279.82	279.82	698.84
BF-13	569	"	1665.97	1665.97	4148.05
BF-14	613	"	2.34	2.34	5.85
BF-15	614	"	720.29	720.29	1785.62
BF-16	615	"	1957.14	1957.14	4836.09
BF-17	659	"	44.20	44.20	109.83
BF-18	660	"	972.04	972.04	2429.86
BF-19	617	"	2112.45	2112.45	5219.86
BF-20	618	"	2304.00	2304.00	5693.18
BF-21	661	All	127.93	127.93	319.83
BF-22	662	Federal Portion	990.45	1118.38	2763.52
BF-23	663	"	1747.74	1747.74	4318.67
BF-24	664	"	2282.30	2282.30	5639.56
BF-25	708	"	215.48	1153.96	2851.44
BF-26	709	"	938.48	1657.21	4094.97
BF-27	710	"	1657.21	2233.32	5518.53
BF-28	711	"	2233.32	659.13	1628.71
BF-29	755	"	58.13	58.13	145.32
BF-30	756	"	561.00	109.57	272.14
BF-31	470	Disputed Portion	611.95	911.35	2251.95
BF-32	515	"	189.83	914.11	2251.95
BF-33	472	"	914.11	1623.10	4010.68
BF-34	473	"	689.95	1623.10	4010.68
BF-35	474 (West side)	"	19.04	1623.10	4010.68

Tract	Block	Description	Block Hectares	Total Tract (Leasing Unit) Hectares	Total Tract (Leasing Unit) Acres
BF-25	516	Disputed	2076.98	2121.62	5242.52
BF-26	560	"	44.64	896.19	2214.49
BF-27	517	"	760.40	896.19	2214.49
BF-28	561(NW corner)	"	135.79	896.19	2214.49
BF-29	474(East side)	"	60.67	896.19	2214.49
BF-30	475	"	777.22	896.19	2214.49
BF-31	476	"	937.01	896.19	2214.49
BF-32	477	"	35.55	896.19	2214.49
BF-33	519	"	36.00	896.19	2214.49
BF-34	520	"	182.89	896.19	2214.49
BF-35	478	"	76.81	896.19	2214.49
BF-36	522	"	244.68	896.19	2214.49
BF-37	523	"	1351.04	896.19	2214.49
BF-38	566(NE corner)	"	3.36	896.19	2214.49
BF-39	516.91	"	516.91	896.19	2214.49
BF-40	524	"	115.88	896.19	2214.49
BF-41	568	"	1527.62	896.19	2214.49
BF-42	569	"	224.75	896.19	2214.49
BF-43	617	"	88.55	896.19	2214.49
BF-44	659	"	1115.39	896.19	2214.49
BF-45	660	"	957.07	896.19	2214.49
BF-46	661	"	21.53	896.19	2214.49
BF-47	662	"	427.39	896.19	2214.49
BF-48	663	"	556.26	896.19	2214.49
BF-49	706	"	78.48	896.19	2214.49
BF-50	707	"	1101.76	896.19	2214.49
BF-51	664	"	21.70	896.19	2214.49
BF-52	708	"	973.11	896.19	2214.49
BF-53	709	"	386.45	896.19	2214.49
BF-54	710	"	85.49	896.19	2214.49
BF-55	711	"	70.47	896.19	2214.49
BF-56	755	"	349.07	896.19	2214.49
BF-57	756	"	64.60	896.19	2214.49
BF-58	561(SE corner)	"	88.36	896.19	2214.49
BF-59	605	"	47.87	896.19	2214.49
BF-60	606	"	32.44	896.19	2214.49
BF-61	607	"	693.88	896.19	2214.49
BF-62	608	"	679.09	896.19	2214.49
BF-63	564	"	260.41	896.19	2214.49
BF-64	608	"	1825.52	896.19	2214.49
BF-65	652	"	13.41	896.19	2214.49

b. State managed tracts: A list of the State managed tracts offered for bid (tracts BF-46 through BF-116) is as follows:

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this Notice.

Tract	Block	Description	Block Hectares	Total Tract (Leasing Unit) Hectares	Total Tract (Leasing Unit) Acres
BF-36	609	Disputed Portion	1240.62		
	653	"	474.58	1715.20	4238.26
BF-37	610	"	25.56		
	654	"	1434.43	1490.60	3683.27
	698	"	30.61		
BF-38	655	"	1409.66	1543.10	3813.00
	656	"	133.44		
BF-39	699	"	1043.90	1048.77	2591.51
	743	"	4.87		
BF-40	700	"	1911.66	2181.88	5391.42
	701	"	270.22	1964.79	4855.00
BF-41	744	"	1964.79		
BF-42	745	"	1691.41	1692.70	4182.66
	746	"	1.29		
BF-43	788	"	163.37	709.85	1754.04
	789	"	546.48		
BF-44	792	"	172.86		
	793	"	37.43	358.33	885.43
	836	"	148.04		
BF-45	613	"	2.64		
	614	"	557.96	893.49	2207.81
	615	"	332.89		

STATE MANAGED TRACTS  
(BF-46 - BF-116)

Tract	Block	Description	Block Acres	Total Tract (Leasing Unit) Acres
BF-46	470	State Portion	1705.89	
	514	"	2679.54	4385.43
BF-47	471	"	671.48	
	515	"	3800.89	4472.37
BF-48	473	"	641.16	
	474	"	2289.59	
	475	"	901.49	3832.24
BF-49	476	"	875.96	
	477	"	3365.61	
	478	"	1224.77	
BF-50	517	"	3814.30	5466.34
BF-51	518	All State	5693.29	3814.30
BF-52	519	State Portion	5604.33	5693.29
BF-53	520	"	5241.36	5604.33
BF-54	521	All State	5693.29	5241.36
BF-55	522	State Portion	5058.40	5693.29
BF-56	514	"	176.12	5058.40
	515	"	1423.32	
	558	"	205.46	
	559	"	1639.04	3443.94
BF-57	516	"	560.98	
	560	"	4246.16	
BF-58	561	"	5139.40	4807.14
BF-59	562	"	5575.00	5139.40
BF-60	563	All State	5693.29	5575.00
BF-61	564	State Portion	5049.80	5693.29
BF-62	565	All State	5693.29	5049.80
BF-63	566	State Portion	5051.48	5693.29
BF-64	567	Dinkum Disputed	4415.98	5051.48
	568	Dinkum Disputed	312.39	
BF-65	569	State Portion	914.63	4728.37
	605	"	1021.24	
BF-66	606	"	3564.70	1935.87
BF-67	606	"	1864.92	3564.70
BF-68	607	"	1696.05	1864.92
	608	"	97.90	
	609	"	191.75	2228.36
BF-69	610	"	2481.80	
		"	1101.22	3774.77

Tract	Block	Description	Block Acres	Total Tract (Leasing Unit) Acres
BF-70	609	Dinkum Disputed	145.87	
	610	Dinkum Disputed	4528.90	5308.27
BF-71	566	Dinkum Disputed	633.50	
	611	Dinkum Disputed	4758.74	4841.45
BF-72	612	Dinkum Disputed	82.71	5610.58
BF-73	613	State Portion	5610.58	5610.58
BF-74	614	"	5680.98	5680.98
BF-75	607	"	2534.67	2534.67
	608	"	1227.96	
	651	"	892.69	
	652	"	730.98	
BF-76	653	"	2332.45	5184.08
	654	"	2372.87	
	697	"	1107.36	
	698	"	212.33	
BF-77	611	"	575.99	4268.55
	611	"	934.54	
	655	"	532.17	
	656	"	1423.32	2890.03
BF-78	656	"	3940.23	
	700	"	969.49	
BF-79	657	All State	5693.29	4909.72
BF-80	658	"	5693.29	5693.29
BF-81	615	State Portion	34.52	5693.29
	659	"	2827.89	2862.41
BF-82	698	"	139.89	
	699	"	2390.81	
	743	"	1049.94	3580.64
BF-83	701	"	5025.56	5025.56
BF-84	702	All State	5693.29	5693.29
BF-85	703	"	5693.29	5693.29
BF-86	660	State Portion	926.37	
	704	"	4269.96	5196.33
BF-87	617	"	234.52	
	661	"	5323.96	5578.48
BF-88	662	"	2189.74	
	706	"	2652.72	4842.46
BF-89	745	"	1396.11	
	746	"	4266.78	5662.89
BF-90	747	"	4269.96	4269.96
BF-91	704	"	1423.32	
	748	"	4269.97	5693.29
BF-92	705	All State	5693.29	5693.29
BF-93	706	State Portion	2846.64	
	750	"	1423.32	4269.96

## 13. Lease Terms and Stipulations.

a. Federally managed tracts: All leases on Federally managed tracts will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form 3300-1 (September, 1978), as revised, and supplemented in accordance with Federal Stipulation Nos. 11 and 12. This form is available from the Manager, Alaska Outer Continental Shelf Office, at the address listed in paragraph 2.a. Section 6 of the lease form will be amended as follows:

Sec. 6 Royalty on Production. (a) The lessee agrees to pay the lessor a royalty of that percent in amount or value of production saved, removed, or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to \$13,236,229 million, a royalty of 16.66667 percent in amount or value of production saved, removed, or sold will be due on the unadjusted value of amount of production. When the adjusted quarterly value of production is equal to or greater than \$13,236,230 million, but less than or equal to \$1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b[\ln(V_j/S)]$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed, or sold in quarter  $j$

$$b = 10.0$$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$$S = 2.5$$

When the adjusted quarterly value of production is equal to or greater than \$1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed, or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed, or sold.

In determining the quarterly percent royalty due,  $R_j$ , the calculation will be rounded to five decimal places (for example, 22.52109 percent). This calculation will incorporate the

Tract	Block	Description	Block Acres.	Total Tract (Leasing Unit) Acres
BF-94	707	"	2970.79	5727.01
BF-95	708	"	2756.22	5693.29
BF-96	751	"	2846.65	5265.97
BF-97	752	"	2846.64	4233.64
BF-98	709	"	2419.33	
BF-99	753	"	2846.64	
BF-100	710	"	1386.99	
BF-101	754	"	2846.65	
BF-102	743	"	1078.01	
BF-103	744	"	838.20	
BF-104	787	"	315.11	
BF-105	788	"	3248.17	5479.49
BF-106	745	"	3376.14	3493.76
BF-107	789	"	117.62	5357.45
BF-108	790	"	4762.17	5435.04
BF-109	791	"	595.28	5212.37
BF-110	792	"	4190.67	5732.89
BF-111	793	"	1244.37	
BF-112	748	"	1423.32	
BF-113	792	"	3789.05	
BF-114	793	"	3465.81	
BF-115	836	"	2287.08	
BF-116	836	"	2134.98	
BF-117	837	"	1577.83	
BF-118	880	"	1043.60	
BF-119	749	All State	772.74	5529.15
BF-120	750	State Portion	5693.29	5693.29
BF-121	794	"	4269.97	5693.29
BF-122	794	"	1423.32	5038.04
BF-123	838	"	4078.85	5731.78
BF-124	751	"	959.19	5696.18
BF-125	795	"	2846.64	5648.68
BF-126	752	"	2885.14	5589.35
BF-127	796	"	2846.64	4588.75
BF-128	753	"	2849.54	3354.74
BF-129	753	"	2846.64	4935.47
BF-130	797	"	2802.04	2846.64
BF-131	754	"	2846.64	5589.35
BF-132	798	"	2742.71	4588.75
BF-133	755	"	4588.75	3354.74
BF-134	756	"	3354.74	4935.47
BF-135	799	"	2671.47	2846.64
BF-136	800	"	2264.00	1423.32
BF-137	746	"	1423.32	1041.39
BF-138	757	"	1423.32	2846.64
BF-139	654	"	1041.39	2719.18
BF-140	655	Dinkum Disputed	1677.79	

Federal Stipulation No. 3

(To be included only in the leases resulting from this sale for tracts (leasing units) BF-25, BF-26, BF-34, BF-35, BF-36, BF-37, BF-38, BF-39, BF-40, BF-41, BF-42, BF-43, and BF-44.)

In areas of less than 10 meters of water depth, after completion of the exploratory drilling phase, all structures will be removed from the lease area and the lessee will restore the site to a condition approved by the Supervisor unless said structure or site will be used in the production phase or for additional exploratory drilling or unless it is not in the best interest of the public or the environment to require removal or restoration. Authorization to leave said structure in place must be obtained from the Supervisor.

Federal Stipulation No. 4

Solid waste disposal on artificial islands or in marine waters within the lease area is prohibited.

Federal Stipulation No. 5

1. Pipelines will be required (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee. All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storm and ice scouring, subfreezing conditions, and other hazards as determined on a case-by-case basis.

2. Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor.

3. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased

adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 41.738629 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Except as otherwise noted, the following stipulations will be included in each lease issued on Federally managed tracts. In the following stipulations, the term Supervisor refers to the Alaska Area Oil and Gas Supervisor of the Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Federal Stipulation No. 1

In the event any site, structure, or object of historic or archaeological significance should be discovered during the conduct of any operations on the leased area, the lessee shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Supervisor has given directions as to its preservation.

Upon abandonment of the drilling platform or related facilities, such facilities will be removed to the extent that they no longer intrude on the historic or cultural scene or could otherwise adversely affect an archaeological or historic site or area included in or eligible for inclusion in the National Register of Historic Places.

Federal Stipulation No. 2

The lessee shall include in any exploration and/or development plans a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the Supervisor. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in each pertinent field of study and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391 (a)), as amended.)

#### Federal Stipulation No. 6

1. Discharge of produced waters into marine waters is prohibited, except that the Supervisor may approve discharges in tracts greater than 10 meters of water on a case-by-case basis.
2. Discharge of drilling muds and cuttings into marine waters is prohibited, except that the Supervisor may approve discharge (a) in tracts greater than 10 meters of water on a case-by-case basis and (b) in tracts of less than 10 meters of water on a case-by-case basis if effluents are shown to be non-toxic and can be adequately dispersed.

#### Federal Stipulation No. 7

If biological populations or habitats which may require additional protection are identified by the Supervisor on any tracts in the leasing area, the Supervisor will require the lessee to conduct environmental surveys, as approved by the Supervisor, to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Supervisor shall provide written notice to the lessee of his decision to require such surveys. Such surveys will be required for the area known as the Boulder Patch, which applies to the following tracts: BF-36, BF-37, BF-38, BF-39, BF-40, BF-41, and BF-43. For all other tracts within the lease area, the nature and extent of any surveys will be determined by the Supervisor on a case-by-case basis.

Based on any surveys which the Supervisor may require of the lessee, or other information available to the Supervisor on special biological resources, the Supervisor may require the lessee to: 1) locate the site of such operation so as not to adversely affect the resource identified; 2) establish to the satisfaction of the Supervisor, on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; 3) operate during those periods of time that do not adversely affect the biological resources as established by the Supervisor; and/or 4) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection.

The lessee agrees that, if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall immediately report such findings to the Supervisor, and make every reasonable effort to preserve and protect the biological resource from damage until the Supervisor has given the lessee directions with respect to its protection.

The lessee shall submit all data obtained in the course of such surveys to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biologic populations or habitats surveyed, until the Supervisor provides written directions to the lessee, with regard to permissible actions.

Known special biological resources and their habitats include hard and rocky bottoms with kelp, bryozoans, sponges, coral, or other epibenthic communities.

#### Federal Stipulation No. 8

Exploratory drilling and testing, and other downhole exploratory activities will be limited to the period November 1 through March 31, unless the Supervisor determines that continued operations are necessary to prevent a loss of well control or to ensure human safety. This stipulation will remain in effect for two years following issuance of the lease.

#### Federal Stipulation No. 9

(To be included only in the lease resulting from this sale for tract (leasing unit) BF-40).

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed on the disputed portion of lease block 700. All exploration for and development of oil or gas must be performed from locations outside of the disputed portion of lease block 700.

#### Federal Stipulation No. 10

The royalty rate on production saved, removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12 (e)). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more. On disputed tracts, the United States must obtain the express written permission of the State before granting a reduction in the royalty rate.

Federal Stipulation No. 12

This lease is subject to the "Agreement Regarding Unitization for the Proposed Joint Federal/State Beaufort Sea Lease Sale" executed by the United States and State of Alaska on October 26, 1979, and the lessee is bound by the terms of that agreement.

b. State managed tracts: All State leases will be for a primary term of 10 years. State managed leases issued as a result of this sale will be on Form INEM-1-79, supplemented in accordance with State Stipulation Nos. 11 and 12, which is available from the Director, Division of Minerals and Energy Management, 703 W. Northern Lights Blvd., Anchorage, Alaska 99503.

All leases issued on State managed tracts on which the net profit share is the bid variable will include a work commitment as a term of the lease. See the information to lessees section of this notice for further information with respect to the work commitment and a listing of the State leasing units to which they will apply.

The royalty rate on production saved, removed, or sold from leases on leasing units leased on a cash bonus bid-sliding scale royalty basis is subject to consideration for reduction under the same authority that applies to all other oil and gas leases. On leasing units BF-64, BF-70, BF-71, and BF-116, the State must obtain the express written permission of the United States before granting a reduction in the royalty rate.

Although the royalty rate specified in leases on State tracts leased on a cash bonus bid-sliding scale royalty basis, or as subsequently modified in accordance with applicable regulations and stipulations, is applicable to all production under such leases, not more than 20 percent of the production saved, removed, or sold from the lease area may be taken as royalty in amount (in kind); the royalty on any portion of the production saved, removed, or sold from the lease in excess of 20 percent may only be taken in value of the production saved, removed, or sold from the lease area.

Although the royalty rate specified in leases on leasing units BF-64, BF-70, BF-71, and BF-116, or as subsequently modified in accordance with applicable regulations and stipulations, is applicable to all production under these leases, not more than 16 2/3 percent of the production saved, removed, or sold from the lease area may be taken in kind; the royalty on any portion of the production saved, removed, or sold from the lease in excess of 16 2/3 percent may only be taken in value of the production saved, removed, or sold from the lease area. The State of Alaska must obtain the express written permission of the United States before agreeing to take any royalties in amount (in kind) rather than in value.

Except as otherwise noted, the following stipulations will be included in each lease issued on State managed tracts.

Although the royalty rate specified in Sec. 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16 2/3 percent of the production saved, removed, or sold from the lease area may be taken as royalty in amount (in kind), except as provided in Sec. 15(d) of this lease; the royalty on any portion of the production saved, removed, or sold from the lease in excess of 16 2/3 percent may only be taken in value of the production saved, removed, or sold from the lease area. On disputed tracts, the United States must obtain the express written permission of the State before agreeing to take any royalties in amount (in kind) rather than in value.

Federal Stipulation No. 11

(To be included in all leases on disputed lands)

This lease is subject to the "Agreement Between the United States and State of Alaska Pursuant to Section 7 of the Outer Continental Shelf Lands Act, and Alaska Statutes 38.05.137" (signed on October 26, 1979, and commonly referred to as the "Interim Agreement"), and the lessee hereby consents to every term of that agreement.

Any loss incurred or sustained by the lessee as a result of obtaining validation and recognition of this lease pursuant to the "Interim Agreement," and in particular any loss incurred or sustained by the lessee as a result of conforming this lease with any and all provisions of all applicable laws of the party prevailing in United States of America v. State of Alaska, United States Supreme Court No. 84, Original, shall be borne exclusively by the lessee.

No taxes payable to the State of Alaska will be required to be paid with respect to this lease until such time as ownership of or jurisdiction over the lands subject to this lease is resolved. In the event that the lands subject to this lease, or any portion of them, are judicially determined to be State lands, the lessee shall pay to the State a sum equivalent to the State taxes which would have been imposed under Alaska law if the lands, or portion thereof determined to be State lands, had been undisputed State lands from the date the lease was executed, plus interest at the rate of 10% per year accruing from the date the taxes would have become due under Alaska law. Such payment shall be in lieu of, and in satisfaction of the actual State taxes.



State Stipulation No. 4

(To be included in all leases on State leasing units BF-54, BF-62, BF-91, and BF-92.)

Surface entry by the lessee or subcontractors will be prohibited on Cross Island (State leasing units BF-54 and BF-62) and Pole Island (State leasing units BF-91 and BF-92) during the period May 15 to August 15. Surface entry during other periods may be permitted by the Director, Division of Minerals and Energy Management, provided any structures, equipment, personnel, or supplies are removed before May 15.

State Stipulation No. 5

If biological populations or habitats which may require additional protection are identified by the Director, Division of Minerals and Energy Management, on any tracts in the leasing area, the Director will require the lessee to conduct environmental surveys, as approved by the Director, to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Director shall provide written notice to the lessee of his decision to require such surveys. Such surveys will be required for the area known as the Boulder Patch, which applies to the following leasing units: BF-62, BF-70, BF-71, BF-76, BF-77, BF-78, BF-79, BF-82, BF-83, BF-98, and BF-116. For all other tracts within the lease area, the nature and extent of any surveys will be determined by the Director on a case-by-case basis.

Based on any surveys which the Director may require of the lessee, or other information available to the Director on special biological resources, the Director may require the lessee to: (1) locate the site of such operation so as not to adversely affect the resource identified; (2) establish to the satisfaction of the Director, on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; (3) operate during those periods of time that do not adversely affect the biological resources as established by the Director; and (4) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection.

The lessee agrees that, if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall immediately report such findings to the Director, and make every reasonable effort to preserve and protect the biological resource from damage until the Director has given the lessee directions with respect to its protection.

State Stipulation No. 1

In the event any site, structure, or object of historic or archaeological significance should be discovered during the conduct of any operations on the leased area, the lessee shall report immediately such findings to the Director, Division of Minerals and Energy Management, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Director has given directions as to its preservation.

Upon abandonment of the drilling platform or related facilities, such facilities will be removed to the extent that they no longer intrude on the historic or cultural scene or could otherwise adversely affect an archaeological, or historic site or area included in or eligible for inclusion in the National Register of Historic Places.

State Stipulation No. 2

The lessee shall include in any exploration and/or development plans a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the Director, Division of Minerals and Energy Management. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in each pertinent field of study and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

State Stipulation No. 3

After completion of the exploratory drilling phase, all structures will be removed from the lease and the lessee will restore the site to its original condition unless the structure or site will be used in the production phase or for additional exploratory drilling or unless it is not in the best interest of the public or the environment to require removal or restoration. Authorization to leave the structure in place must be obtained from the Director, Division of Minerals and Energy Management, after consultation with the Department of Fish and Game and the Department of Environmental Conservation.

The lessee shall submit all data obtained in the course of such surveys to the Director, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biologic populations or habitats surveyed, until the Director provides written directions to the lessee, with regard to permissible actions.

Known special biological resources and their habitats include hard and rocky bottoms with kelp, bryozoans, sponges, coral, or other epibenthic communities.

#### State Stipulation No. 6

1. Discharge of produced waters into marine waters is prohibited, except that the Commissioner of the Department of Environmental Conservation may approve discharges in tracts greater than 10 meters of water on a case-by-case basis.
2. Discharge of drilling muds and cuttings into marine waters is prohibited, except that the Commissioner of the Department of Environmental Conservation may approve discharges (a) in tracts greater than 10 meters of water on a case-by-case basis and (b) in tracts of less than 10 meters of water on a case-by-case basis if effluents are shown to be non-toxic and can be adequately dispersed.

#### State Stipulation No. 7

1. Pipelines will be required (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Beaufort Sea Coordination Committee. Where feasible, and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storm and ice scouring, subfreezing conditions, and other hazards as determined on a case-by-case basis.
2. Following the completion of pipeline installation of sufficient capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Director, Division of Minerals and Energy Management.

3. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391(a)).

#### State Stipulation No. 8

Solid waste disposal on natural or artificial islands or in marine waters within the lease area is prohibited.

#### State Stipulation No. 9

Exploratory drilling and testing, and other downhole exploratory activities from surface locations outside the barrier islands will be limited to the period November 1 through March 31, unless the Director, Division of Minerals and Energy Management, after consulting with the Oil and Gas Conservation Commission, determines that continued operations are necessary to prevent a loss of well control or to ensure human safety. This stipulation will remain in effect for two years following issuance of the lease.

Exploratory drilling and testing, and other downhole exploratory activities from surface locations inside the Barrier Islands will be limited to the period November 1 through March 31, except the Director, Division of Minerals and Energy Management after consultation with the Biological Task Force may allow drilling and downhole activities to continue no later than May 15 if the lessee demonstrates the ability to operate safely and ice conditions justify; provided, however, that the Director, Division of Minerals and Energy Management, after consultation with the Oil and Gas Conservation Commission may allow continued operations leading to shut down which are necessary to prevent loss of well control or to insure human safety. This stipulation will remain in effect two years following issuance of the lease.

#### State Stipulation No. 10

(To be included in the leases on leasing unit BF-78)

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed on the State-owned portion of lease block 700. All exploration for and development of oil and gas must be performed from locations outside of the State owned portion of lease block 700.

#### State Stipulation No. 11

(To be included in all leases on leasing units BF-64, BF-70, BF-71, and BF-116.)

This lease is subject to the "Agreement Between the United States and State of Alaska pursuant to Section 7 of the Outer Continental Shelf Lands Act, and Alaska Statutes 38.05.137" (signed on October 26, 1979, and commonly referred to as the "Interim Agreement"), and the lessee hereby consents to every term of that agreement.

Any loss incurred or sustained by the lessee as a result of obtaining validation and recognition of this lease pursuant to the "Interim Agreement," and in particular any loss incurred or sustained by the lessee as a result of conforming this lease with any and all provisions of all applicable laws of the party prevailing in United States of America v. State of Alaska, United States Supreme Court No. 84, Original, shall be borne exclusively by the lessee.

No taxes payable to the State of Alaska will be required to be paid with respect to this lease until such time as ownership of or jurisdiction over the lands subject to this lease is resolved. In the event that the lands subject to this lease, or any portion of them, are judicially determined to be State lands, the lessee shall pay to the State a sum equivalent to the State taxes which would have been imposed under Alaska law if the lands, or portion thereof determined to be State lands, had been undisputed State lands from the date the lease was executed, plus interest at the rate of 10 percent per year accruing from the date the taxes would have become due under Alaska law. Such payment shall be in lieu of and in satisfaction of the actual State taxes.

#### State Stipulation No. 12

This lease is subject to the "Agreement Regarding Unitization for the Proposed Joint Federal/State Beaufort Sea Lease Sale" executed by the United States and State of Alaska on October 26, 1979, and the lessee is bound by the terms of that agreement.

#### State Stipulation No. 13

Seismic activity will be prohibited during the period March 20 until the breakup of sea ice, except that the Director, Division of Minerals and Energy Management, after consulting with the biological task force, may allow seismic activity to occur after March 20 on a case-by-case basis.

#### State Stipulation No. 14

(To be included in leases on all State leasing units except BF-64, BF-70, BF-71, and BF-116.)

During the conduct of all activities related to this lease, the lessee will be subject to the provisions of all valid coastal zone plans and ordinances.

#### State Stipulation No. 15

(To be included in leases on State leasing units BF-64, BF-70, BF-71, and BF-116.)

If the state is ultimately determined to be the owner of lands on which this lease is located, conduct of all activities on this lease will thereafter be subject to the provisions of all valid coastal zone plans and ordinances.

#### 14. Information to Lessees.

a. Federally managed tracts: Bidders are advised that the following applies to all federally managed tracts within the area.

All disputed tracts will be leased subject to an "Interim Agreement" between the State of Alaska and the United States, entered into under the authority of Section 7 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1336, and Alaska Statute 38.05.137. The agreement provides, among other things, that all sums payable to the United States or State of Alaska resulting from a lease in the disputed area shall be paid into a special interest-bearing escrow account established by the U.S. Treasury Department until the jurisdictional dispute is resolved. The agreement further provides that each lease in the disputed area will contain a stipulation which requires the lessee to pay an amount equal to accrued State taxes, plus interest, in the event that the land subject to the lease is later determined to belong to the State. See Federal Stipulation No. 11.

The United States and the State of Alaska have entered into an agreement which provides that unitization of leases overlying a common reservoir may be required prior to production, and voluntary unitization may be authorized during exploration. See Federal Stipulation No. 12.

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(g) of the Outer Continental Shelf Lands Act as amended 43 U.S.C. 1333.

On all Federally managed tracts, the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

For all onshore leases resulting from this sale and for all onshore off-lease areas under state jurisdiction the following will be required by State or Federal laws and State or Federal regulations:

Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, and/or production activities, an inventory shall be conducted of archaeological or historical sites within the area affected by a proposed activity.

Such inventory shall consider literature provided by the North Slope Borough and local residents; documentation of oral history regarding historic and prehistoric uses of such sites, and the consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places, and site surveys. The inventory shall also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory shall be submitted to the Director, Division of Minerals and Energy Management, for distribution to the Director of the Division of Parks, and the North Slope Borough for purposes of review and comment. The Director of the Division of Parks and the North Slope Borough may request that the Director require salvage of archaeological and historic sites or relocation of proposed facilities.

In the event that an archaeological or historical site or area is adversely affected by an activity, documentation of such effects shall be submitted to the Director. The Director shall, after consultation with the Director of the Division of Parks and the North Slope Borough, direct the operator as to what course of action will be necessary to mitigate the adverse effect.

All lease activities and structures shall be scheduled and/or designed to allow free movement and safe passage to fish and mammals, both onshore and offshore.

Continuous fill causeways will be prohibited. Non-continuous fill causeways may be permitted when demonstrated to the satisfaction of the Supervisor (and the Director, Division of Minerals and Energy Management, when State managed tracts are involved) that the causeway is necessary for the development of the field and no other feasible and prudent alternative exists.

Winter removal of fresh water or snow cover from rivers and natural lakes which support overwintering fish is prohibited by State laws, regulations, and policies. Therefore, the lessee will be responsible for ensuring that an adequate supply of water is available for winter use through development of such means as storage reservoirs and snow melting.

Surface use will be controlled, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

The State requires a buffer zone up to 1500 feet to separate fresh water supplies or fish-producing streams, lakes, and marine areas from adjacent onshore sewage ponds or oil storage facilities. In cases where it can be demonstrated that a 1500-foot buffer is not physically feasible or prudent, or that no alternative sites are available, exceptions may be granted by the appropriate State official. In all cases, the maximum possible separation will be required but will not be greater than 1500 feet.

Borrow extraction from barrier islands is prohibited by the State. Borrow extraction from lagoons and nearshore areas will also be prohibited by the State unless substantial evidence is provided indicating that borrow extraction in these areas will not adversely affect the environment, particularly the maintenance of the lagoon/barrier island complex, and that no alternative sources exist.

Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972 and International Treaties. The lessee should contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws. Federal Stipulation No. 7 may be imposed on a case-by-case basis.

In the enforcement of Stipulations Nos. 3, 6, and 7, the Supervisor will receive recommendations from a biological task force composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, the National Marine Fisheries Service, the Environmental Protection Agency, and the State Departments of Fish and Game, Environmental Conservation, and Natural Resources.\* It is intended that this task force will remain in existence throughout the operating life of the field. The Supervisor will consult with the task force on the conduct of the biological surveys by lessees, the appropriate course of action after the surveys have been conducted, and on the administration of the biological/environmental aspects of the above-mentioned Federal Stipulations.

The lessee and its agents, contractors and subcontractors shall ensure that fixed wing aircraft and helicopters involved in the development of their lease, do not fly over the following areas at altitudes of less than 1500 feet:

1. During the period of May 20 through August 1: Cross Island, Pole Island and the Canning River Delta.
2. During the period of May 15 through June 25: The onshore area within 15 miles inland of the coast between the Kuparuk and Sakonowak Rivers, and the onshore area within 15 miles inland of the coast between Sagavanirktok and Canning Rivers.

Human safety will take precedence over the provisions of these restrictions.

Drilling from platforms or structures located beyond the barrier islands in water depths in excess of 13 meters will be prohibited until such time as a test platform or structure of the same type to be drilled from has been in existence in the sale area at a depth in excess of 13 meters for a period of two winter seasons. Verification of the test structure will be required in accordance with the Geological Survey Platform Verification Program. The Supervisor will determine the adequacy of the test structure after consultation with designated representatives of the North Slope Borough and the Regional Technical Working Group of the National Outer Continental Shelf Advisory Board prior to approving drilling operations from the test structure or from platforms or structures of the same type in water depths in excess of 13 meters.

\* Plans of Operations are received and approved by Division of Minerals and Energy Management after review and comment by the Departments of Fish and Game (ADF&G) and Environmental Conservation (ADEC), and the Division of Forest, Land, and Water Management (DFLWM).

All structures erected on Federally managed tracts for the purpose of oil and gas exploration and production will be subject to the requirements of the platform verification program as specified in OCS Order No. 8. Because technology for structures in the transition (ice) zone has not been demonstrated in U.S. waters, particular attention will be given to structures proposed for water depths of 13 meters or more.

In reaching decisions on approval of permits to conduct seismic operations in the lease sale area, the Supervisor will give particular attention to the safe conduct of operations during the period from March 20 to sea ice breakup when ringed seal pupping is occurring.

In addition to other ongoing environmental assessments, the Department of the Interior will prepare a developmental phase Environmental Impact Statement (EIS) pursuant to Section 25(e) of the Outer Continental Shelf Lands Act as amended, 43 U.S.C. 1336.

As required by section 7 of the Endangered Species Act, BLM has initiated consultation with the National Marine Fisheries Service (NMFS) on the endangered bowhead and gray whales. NMFS has advised BLM that there is insufficient information to render a biological opinion before the proposed sale date, and has identified the information which it believes must be obtained before such an opinion can be provided. A two-year whale research program has been developed by BLM in order to acquire the information identified by NMFS as necessary for an assessment of the effects of the proposed sale on these two endangered whales. The BLM research program has been designed to meet the objective of having sufficient information available in two years to allow a biological opinion to be prepared.

Federal Stipulation No. 8 has been developed to provide interim protection for the endangered whales during this 2-year period. At the end of this period, lessees will be advised as to what, if any, restrictions on operations will be necessary to be consistent with the Endangered Species Act. This determination will be made by the Secretary of the Interior in consultation with NMFS. The National Oceanic and Atmospheric Administration has advised the Department of the Interior that it can give it no assurance that sufficient information will be available in two years for DOI to determine that oil and gas operations in the Beaufort Sea will not jeopardize the continued existence of the bowhead whale or adversely modify its critical habitat.

For all Federally managed tracts, the lessee will be required to submit either an exploration plan or a general statement of exploration intentions within four years. This information is provided in accordance with 30 CFR 250.34-1(a)(3).

b. State managed tracts: All disputed tracts will be leased subject to an "Interim Agreement" between the State of Alaska and the United States, entered into under the authority of Section 7 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1336, and Alaska Statute 38.05.137. The agreement provides, among other things, that all sums payable to the United States or State of Alaska resulting from a lease in the disputed area shall be paid into a special interest-bearing escrow

account established by the U.S. Treasury Department until the jurisdictional dispute is resolved. The agreement further provides that each lease in the disputed area will contain a stipulation which requires the lessee to pay an amount equal to accrued state taxes, plus interest, in the event that the land subject to the lease is later determined to belong to the State. See State Stipulation No. 11.

The United States and the State of Alaska have entered into an agreement which provides that unitization of leases overlying a common reservoir may be required prior to production, and voluntary unitization may be authorized during exploration. See State Stipulation No. 12.

With respect to State Stipulation No. 9, bidders are advised that certain salient points on the barrier islands will be used for determining surface locations which are located inside or outside the barrier islands. A list of the salient points is available in the Alaska BLM OCS Office, 620 East 10th Avenue, Anchorage, Alaska 99510, and the Division of Minerals and Energy Management, 703 West Northern Lights Boulevard, Anchorage, Alaska 99503. Further with respect to State Stipulation No. 9, bidders are advised that the lessee will be subject to a State Plan of Operations which may include a continued or modified seasonal drilling restriction for the purpose of protecting Arctic fish and wildlife habitat at the end of the two-year stipulation period.

Drilling from platforms or structures located beyond the barrier islands in water depths in excess of 13 meters will be prohibited until such time as a test platform or structure of the same type to be drilled from has been in existence in the sale area at a depth in excess of 13 meters for a period of two winter seasons. Certification of the test structure by an independent engineering firm will be required prior to approving drilling operations from the structure. The Director will determine the adequacy of the test structure after consultation with designated representatives of the North Slope Borough and the Regional Technical Working Group of the National Outer Continental Shelf Advisory Board prior to approving drilling operations from the test structure or from platforms or structures of the same type in water depths in excess of 13 meters.

Bidders are advised that a term of the lease requires the lessee to submit a separate plan of operations for the exploratory and development phases for approval before conducting lease operations. The following requirements will be imposed on lessees of all State managed tracts within the lease area as a condition of approval of plans of operations.

(a) For all onshore leases resulting from this sale and for all onshore off-lease areas under State jurisdiction the following will be required by State or Federal laws and State or Federal regulations:

Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, and/or production activities, an inventory shall be conducted of archaeological and historical sites within the area affected by a proposed activity. Such inventory shall consider literature provided by the North Slope Borough and local residents, documentation of oral history regarding historic and prehistoric uses of such sites, evidence of

consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places, and site surveys. The inventory shall also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory shall be submitted to the Director, Division of Minerals and Energy Management, for distribution to the Director of the Division of Parks, and the North Slope Borough for purposes of review and comment. The Director of the Division of Parks and North Slope Borough may request that the Director require salvage of archaeological and historic sites or relocation of proposed facilities. In the event that an archaeological or historical site or area is adversely affected by an activity, documentation of such effects shall be submitted to the Director. The Director shall, after consultation with the Director of the Division of Parks and the North Slope Borough, direct the operator as to what course of action will be necessary to mitigate the adverse effect.

(b) The lessee will provide the following information where applicable:

1. Amounts of borrow required;
2. Amounts of fresh water required, and provision for storage or alternative fresh water sources to provide adequate fresh water supplies for winter domestic and industrial use;
3. Transportation requirements, including the type, frequency, and routes of travel for vessels, aircraft, and vehicles (including air cushion and rolligon);
4. Activities to be conducted directly on the tundra surface.

(c) The lessee will be responsible for ensuring that an adequate supply of water is available for winter use through development of such means as storage reservoirs and snow melting. Winter removal of fresh water or snow cover from rivers and natural lakes which support overwintering fish is prohibited.

(d) A Spill Prevention, Control, and Countermeasure (SPCC) Plan must be prepared as exemplified by 40 CFR 112.3 et seq. An Oil Spill Contingency Plan must be prepared for each drill site and for onshore and offshore activities involving the handling or storage of oil or hazardous substances. The Plan must include:

1. Operational procedures, communication networks, detection and monitoring devices, equipment inventories, disposal sites, and other contingency provisions as required by 18 AAC 75.310;
2. Provisions for contingencies for all oceanographic and meteorological conditions present in the vicinity of the drill site, which may include open water, landfast ice, mobile one-year ice, and polar pack ice;
3. Provisions for encircling the drilling structure with a containment barrier of a size adequate to contain a major spill, and provisions to rapidly

force or move under-ice oil to the ice surface for recovery and cleanup during the period of nearshore ice cover; the containment barriers are only required if oil could escape from around the conductor pipe to water under the ice;

4. Methods for controlling blowouts and/or the procedures to be followed for various blowout contingencies;

5. Identification of a suitable alternate drilling rig or rigs\*, the location of an alternate relief well drilling site, location of the nearest emergency supply of gravel, and the time required to obtain equipment, mobilize, rig up and commence drilling of a relief well, if the drilling of a relief well should be required.

(e) Surface use will be restricted, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

(f) A buffer zone up to 1500 feet will be required to separate fresh water supplies or fish-producing streams, lakes, and marine areas from adjacent sewage ponds or oil storage facilities. In cases where it can be demonstrated that a buffer zone of up to 1500 feet is not physically feasible or prudent, exceptions may be granted by the Director, Division of Minerals and Energy Management. In all cases, the maximum possible separation will be required, but will not be greater than 1500 feet.

(g) Borrow extraction from barrier islands is prohibited.

Borrow extraction from lagoons and nearshore areas will be prohibited unless substantial evidence is provided indicating that borrow extraction in those areas will not adversely affect the environment and/or that no alternative sources exist.

(h) All lease activities and structures shall be scheduled and/or designed to allow free movement and safe passage to fish and mammals, both onshore and offshore.

(i) Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(c) of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1333.

(j) Continuous fill causeways will be prohibited. Non-continuous fill causeways may be permitted when demonstrated to the satisfaction of the Director, Division of Minerals and Energy Management (and the Supervisor, where leases on Federally managed tracts are involved) that the causeway is necessary for the development of the field and no other feasible and prudent alternative exists.

\* Alternate drilling rig can be another rig in the area, a standby rig, or planned transportation of an available rig from another area.

(k) The lessees shall ensure that fixed wing aircraft and helicopters involved in the development of their lease, or under contract to them, do not fly over the following areas at altitudes of less than 1500 feet:

1. during the period May 20 through August 1: Cross Island, Pole Island, and the Canning River Delta;
2. during the period May 15 through June 25: onshore areas within 15 miles inland of the coast between the Kuparuk and Sakonowak Rivers, and the onshore area within 15 miles inland of the coast between the Sagavanirktok and Canning Rivers.

Human safety will take precedence over the provisions of these restrictions.

(1) The proposed activities under a plan of operations must not diminish the use and enjoyment of a native allotment.

Bidders are advised that in the enforcement of State Stipulations Nos. 2, 3, 4, 5, 6, 7, 9, and 13, the Director will receive recommendations from a biological task force composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, the National Marine Fisheries Service, the Environmental Protection Agency, and the State Departments of Fish and Game, and Environmental Conservation. Plans of Operations are received and approved by the Division of Minerals and Energy Management after review and comment by the State Departments of Fish and Game, Environmental Conservation, and the Division of Forest, Land, and Water Management. It is intended that this task force will remain in existence throughout the operating life of the field. The Director will consult with the task force on the conduct of the biological surveys by lessees; the appropriate course of action after the surveys have been conducted, and on the administration of the biological/environmental aspects of the above-mentioned stipulations.

Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972 and International Treaties. The lessee shall contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws. State Stipulation No. 5 may be imposed on a case-by-case basis.

Bidders are advised that the following work commitment will be included in leases issued on State leasing units BF-59, BF-60, BF-61, BF-62, BF-66, BF-67, BF-68, BF-69, BF-75, BF-76, BF-82: the lessee must commence to drill a well by the end of the fifth year of the lease, or commit the lease to an approved exploratory unit approved by the Commissioner of National Resources. If a well has not been drilled or the lease has not been committed to an approved unit by that time, the lessee will relinquish the lease to the State.

Bidders are advised that the following work commitment will be included in leases issued on State leasing units BF-46, BF-47, BF-48, BF-49, BF-50, BF-51, BF-52, BF-53, BF-54, BF-55, BF-56, BF-57, BF-58, BF-113, BF-114: the lessee must commence to drill a well by the end of the seventh year of the lease, or commit the lease to an approved exploratory unit approved by the Commissioner of National Resources. If a well has not been drilled or the lease has not been committed to an approved unit by that time, the lessee will relinquish the lease to the State.

15. Federal OCS Orders. Operations on all Federally managed leases covered by this notice will be conducted in accordance with the provisions of applicable Arctic Area OCS Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Dated: October 23, 1979

State of Alaska

Robert E. LeResche,

Commissioner, Department of Natural Resources

United States

Frank Gregg,

Director, Bureau of Land Management

Approved:

Dated: November 2, 1979

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc 79-34450 Filed 11-6-79; 8:45 am]

BILLING CODE 4310-84-C



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Wednesday  
November 7, 1979

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**Part VII**

**Federal Election  
Commission**

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**Funding of Federal Candidate Debates;  
Extension of Comment Period on  
Proposed Regulations**



**FEDERAL ELECTION COMMISSION****11 CFR Parts 100, 110 and 114****[Notice 1979-21]****Funding of Federal Candidate Debates;  
Extension of Comment Period on  
Proposed Regulations****AGENCY:** Federal Election Commission.**ACTION:** Extension of Comment Period  
on Proposed Regulations.

**SUMMARY:** On October 12, 1979, at 44 FR 59162, the Commission invited comments on proposed rules to govern the funding and sponsorship of candidate debates. The close of the comment period was November 13, 1979. The Commission hereby extends the period for submission of written comments to November 20, 1979.

**DATE:** Comments must be received on or before November 20, 1979.

**ADDRESS:** Office of General Counsel,  
Federal Election Commission, 1325 K  
Street NW., Washington, D.C. 20463.

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Patricia Ann Firoi, Assistant  
General Counsel, 1325 K Street N.W.,  
Washington, D.C. 20463, (202) 523-4143.

**SUPPLEMENTARY INFORMATION:** The Commission has decided to extend the written comment period on its October 12, 1979, notice of proposed rulemaking (44 FR 59162) in response to requests received from certain membership organizations. These organizations need the additional time to consult their membership. In the interest of promoting the fullest public participation in this rulemaking procedure, the Commission is hereby extending the period for submission of written comments to November 20, 1979.

Dated: November 1, 1979.

**Robert O. Tiernan,**  
*Chairman.*

[FR Doc. 79-34448 Filed 11-6-79; 8:45 am]

BILLING CODE 6715-01-M



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Wednesday  
November 7, 1979

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**Part VIII**

**Department of  
Energy**

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Federal Energy Management and  
Planning Program; Federal Photovoltaic  
Utilization Program

## DEPARTMENT OF ENERGY

## 10 CFR Part 436

[Docket No. CAS-RM-79-402]

## Federal Energy Management and Planning Program; Federal Photovoltaic Utilization Program

AGENCY: Department of Energy.

ACTION: Final rule.

**SUMMARY:** The Department of Energy (DOE) today promulgates final rules that establish the monitoring and assessment requirements for Federal agencies that receive project assistance under the Federal Photovoltaic Utilization Program to install photovoltaic solar electric systems on Federal facilities, and the assessment responsibilities of the DOE.

**EFFECTIVE DATE:** December 7, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Elaine Smith, Federal Photovoltaic Utilization Program Manager, Office of Conservation and Solar Energy, Department of Energy, Room 5G033, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-8118.

Carol Snipes, Office of Conservation and Solar Energy, Department of Energy, Room 2221C, 20 Massachusetts Avenue NW., Washington, D.C. 20545 (202) 376-1651.

Neal J. Strauss, Office of General Counsel, Department of Energy, Room 3228, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-9472.

**SUPPLEMENTARY INFORMATION:**

- I. Background.
- II. Discussion of Comments.
- III. Administrative Review.

**I. Background**

Title V, Part 4 of the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619) establishes the Federal Photovoltaic Utilization Program (FPUP) to be administered by the Department of Energy (DOE). The Act authorizes the appropriation of \$98,000,000 through the fiscal year ending September 30, 1981, and calls for the installation of photovoltaic solar electric systems in Federal facilities. Photovoltaic solar electric systems directly convert sunlight into electricity. Congress intended this program to stimulate the use of low cost production techniques by the domestic photovoltaic industry.

The FPUP is part of continuing Federal support for the development of solar energy in general, and photovoltaics in particular. Some of the technologies that will be used as a part of FPUP have been developed under the Solar Energy Research, Development and Demonstration Act of 1974 (Pub. L. 93-473). The DOE expects FPUP to assist in accelerating the

commercialization of photovoltaic technology. As an ancillary benefit, the DOE anticipates that experience in using this technology will provide important feedback for continuing research and development efforts directed toward improved products.

The FPUP also continues the work started by section 208 of the Department of Energy Act of 1978—Civilian Applications (Pub. L. 95-238) which established a program to purchase photovoltaic solar electric systems for use by Federal agencies in life cycle cost effective applications. The section 208 program is described in the Department of Energy Final Report, "Application and System Design Study for Cost-Effective Solar Photovoltaic Systems at Federal Installations," February 1979.

The Notice of Proposed Rulemaking (NPR) for the FPUP rule was published on May 9, 1979 (44 FR 27194). Only one request was made to present oral comments. The public hearing scheduled for June 14, 1979 was cancelled in a notice published June 8, 1979, (44 FR 33077) when the respondent decided to submit written comments instead of making an oral presentation. The record remained open until July 9, 1979, for the submission of written comments.

**II. Discussion of Comments**

Two written comments were received in response to the NPR. The final rulemaking contains revisions based upon the DOE's consideration of the public comments, and other available information. The following discussion summarizes the comments and the DOE response.

**(a) Monitoring Requirements, § 436.92.**

(1) This section provides for the submission of both Installation Reports and Systems Operational Reports by agencies installing photovoltaic solar electric systems as a part of the FPUP. One comment suggested that the DOE require the Installation Report and the Operational Report be submitted to the DOE in standard formats. The DOE agrees that submission of data in a standard format will facilitate use of the data by DOE in future programs, and by interested persons. Therefore, the DOE intends to develop standard formats for Installation Reports and Systems Operational Reports, and has revised § 436.92 to provide for the use of standard formats. Reports from the individual agencies will be available in the Freedom of Information Office at the Department of Energy, 1000 Independence Avenue, S.W. Washington, D.C., 20585.

(2) The proposed rule did not require Installation and Operational Reports explicitly to state the project title and

geographic location of the project or projects. This requirement has been incorporated into the final rule. For example, Installation and Operational Reports will now be required to include information similar to the following:

Project Title: 40 watt Microwave Repeater Station.

Location: Mount Laguna, California.

(3) One comment suggested that there is a need for the FPUP to stimulate and monitor small business participation and promote competition in the photovoltaics industry. The DOE has decided to set aside 10 percent of the appropriations for procurements from small businesses. The selection of a 10 percent set-aside was suggested by a similar set-aside in the recently enacted Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978, Pub. L. 95-590. Moreover, DOE has every intention of assuring a pattern of procurements in the FPUP which will encourage the growth of a competitive photovoltaic industry. The final rule requires participating agencies to identify installers involved in each project and to indicate which are small business concerns.

**(b) Assessment Requirements, § 436.93.**

(1) The proposed rule did not require the assessment by participating agencies to explicitly state the project title and geographic location of the project or projects. This requirement has been incorporated into the final rule to facilitate both the current and future use of the information by interested persons.

(2) In response to public comment, the final rule incorporates a requirement, not contained in the proposed rule, that the DOE assess in its annual report to the Congress, the need for further research and development in the photovoltaics program.

**III. Administrative Review****Environmental Review**

Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 et. seq., DOE completed an environmental assessment of the FPUP. Notice of this Assessment was published in the Federal Register on July 3, 1979 (44 FR 38994).

The analyses in the environmental assessment indicate that any such impacts from the program are expected to be insignificant on a programmatic level. The relatively small scale of the program involves the generation of 7.5 megawatts peak installed capacity. This compares to a nationwide generation capacity of over 576,000 megawatts peak. No one geographic location is

expected to have more than a few percent of the total number of photovoltaic solar electric systems involved in the program. Based on its evaluation of the environmental assessment, the DOE has determined that the FPUP would not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of NEPA. Therefore, a negative determination pursuant to 10 CFR 208.4(c) is appropriate, and no environmental impact statement is required.

#### *Determinations Under Executive Order 12044*

This rulemaking has been reviewed in accordance with DOE Order 2030.1 which sets forth procedures for implementing Executive Order 12044 (43 FR 12661, May 1, 1978). Under these procedures, DOE has determined that the rulemaking is "significant" because of the impact on Federal agencies of the Executive Branch. The rulemaking has been deemed not "major" because the rules will not have the kinds of effects that require a regulatory analysis.

(National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3281; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Subpart E of Part 436 as set forth below.

Issued in Washington, D.C., October 29, 1979.

Maxine Savitz,

*Acting Assistant Secretary, Conservation and Solar Energy.*

Part 436 is amended by establishing Subpart E as follows:

#### **Subpart E—Federal Photovoltaic Utilization Program**

Sec.

436.90 Purpose and scope.

436.91 Definitions.

436.92 Monitoring requirements.

436.93 Assessment requirements.

436.94 Additional data reporting options.

Authority: Section 566(2), of the National Energy Conservation Policy Act (Pub. L. 95-619, 92 Stat. 3281); Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565).

#### **Subpart E—Federal Photovoltaic Utilization Program**

##### **§ 436.90 Purpose and scope.**

This subpart provides the rules that the Department of Energy is required to promulgate for monitoring and assessing the performance and operation of photovoltaic systems under the Federal Photovoltaic Utilization Act, Title V, Part 4 of the National Energy

Conservation Policy Act of 1978 (Pub. L. 95-619). The program implementing this legislation is known as the Federal Photovoltaic Utilization Program and authorizes the Department of Energy to procure and fund the installation of photovoltaic solar electric systems in Federal facilities. The regulations set forth monitoring and assessment requirements applicable to the Department of Energy and the Federal agencies that install photovoltaic solar electric systems under the Federal Photovoltaic Utilization Program.

##### **§ 436.91- Definitions.**

As used in this part:

"Acceptance Test Costs" means the costs associated with executing an acceptance test plan and collecting acceptance test data.

"Acceptance Test Data" means that data collected as a result of the execution of an acceptance test plan.

"Acceptance Test Plan" means a written test procedure for assuring that a photovoltaic solar electric system will meet its designed reliability and power output requirements after installation and prior to acceptance.

"Agency" means an Executive agency as defined in section 105 of Title 5, United States Code.

"Construction Costs" means the cost of site preparation, including the cost of materials and labor related to site preparation, prior to installation of a photovoltaic solar electric system.

"Design Review" means a meeting or series of meetings held by an agency with the designer of a photovoltaic solar electric system to assess and document the adequacy and accuracy of the mechanical, electrical, and control portions of the system and to insure that estimates of acquisition, construction, and installations costs are correct.

"DOE" means the Office of Conservation and Solar Energy of the Department of Energy.

"Engineering Design Costs" means the cost of preparing specifications and drawings for the procurement, construction, and installation of photovoltaic solar electric systems.

"Facility" means any building, structure or fixture which uses electrical energy.

"Federal Facility" means any building, structure, or fixture or part thereof which is owned by the United States or any agency, or which is held by the United States or any agency under a lease-acquisition agreement under which the United States or agency will receive fee simple title under the terms of such agreement without further negotiation.

"Installation Costs" means the total cost of installing a photovoltaic solar electric system on a prepared site, but does not include photovoltaic structure costs.

"Normal Operation" means the operation of the photovoltaic solar electric system where, after installation, the system achieves design power output requirements.

"Operations and Maintenance Costs" means those costs incurred after commencement of normal operation associated with maintaining a photovoltaic solar electric system so that it continues to perform satisfactorily over its design lifetime.

"Operations and Maintenance Manual" means a technical document prepared by the manufacturer or the installer of a photovoltaic solar electric system, describing how the system functions and specifying the procedure to be followed so that normal operation of the system is maintained.

"Photovoltaic Array" means that portion of a photovoltaic solar electric system which directly converts incident sunlight to electricity by means of photovoltaic effect.

"Photovoltaic Array Costs" means the cost of a photovoltaic array.

"Photovoltaic Effect" means the physical phenomenon exhibited under certain circumstances by some materials in which a portion of the light energy striking the material is directly converted to electrical energy.

"Photovoltaic Outage" means an interruption of normal operation due to a failure within the photovoltaic solar electric system.

"Photovoltaic Solar Electric System" means a system consisting of a photovoltaic array and all other components, including energy storage devices where appropriate, necessary to provide electricity.

"Photovoltaic Structure Costs" means the cost of the structure necessary to support the photovoltaic array, but does not include installation costs.

"Program" means the Federal Photovoltaic Utilization Program which implements the Federal Photovoltaic Utilization Act.

"Project" means specific actions to accomplish the design, acquisition, construction and installation of photovoltaic solar electric equipment in a single Federal facility.

"Sub Assemblies Costs" means the cost of the components of a photovoltaic solar electric system such as batteries, regulators, inverters, and cabling.

"Systems Group" means a grouping of photovoltaic solar electric systems which have similar design and operating characteristics, which are operated by



the same agency, and which have been specifically designated as a systems group by the DOE in writing. Factors considered in designating systems groups include, but are not limited to: design, location, method of installation, facility type, technology, operations and maintenance schedules, size, costs, and projected costs in future markets.

#### § 436.92 Monitoring requirements.

(a) *Installation data.* (1) Each participating agency shall maintain for each project records regarding the information described below. Upon reasonable notice of request, the participating agency shall make such records available to DOE for inspection. Four copies of the information shall be submitted to the DOE upon request. The information may also be submitted to the DOE in the same form and at the same time as it is received or generated by an agency. The records required to be maintained under this paragraph include:

- (i) Current photovoltaic solar electric system design and installation drawings;
- (ii) A written record of the project design review;
- (iii) Acceptance test plan and acceptance test data; and
- (iv) The Project Operation and Maintenance Manual.

(2) Within sixty days of commencement of normal operation, each participating agency shall submit one Installation Report for each completed project. Provided, however, that if any participating agency installs multiple projects with substantially similar systems characteristics, the agency may request, and the DOE may then allow, the agency to submit a single report for such systems group. The DOE will require each Installation Report to assume the format of standard form to be supplied to participating agencies by the DOE. Each Installation Report shall state:

- (i) Project title;
- (ii) Location of project or projects;
- (iii) Actual and planned project completion date;
- (iv) Total funds expended;
- (v) Actual and planned cost breakdown of:
  - (A) Photovoltaic array costs;
  - (B) Photovoltaic structure costs;
  - (C) Sub assemblies costs;
  - (D) Construction costs;
  - (E) Engineering design costs;
  - (F) Installation costs;
  - (G) Acceptance test costs; and
  - (H) Any other costs;
- (vi) Names of installers and identification of any of these which are small businesses;

- (vii) Significant problems encountered; and
- (viii) Comments and recommendations.

(b) *Operational data.* Within sixty days of commencement of normal operation, each agency shall submit a Systems Operational Report containing the following operating and maintenance information for each project. The agency shall submit such reports on a semiannual basis thereafter for three years. Each agency shall submit a Systems Operational Report on a form provided by DOE. Each Systems Operational Report shall describe for the reporting period:

- (1) Project Title;
- (2) Location of project or projects;
- (3) All photovoltaic or other scheduled outages;
  - (i) Reasons for all scheduled outages;
  - (ii) Corrective actions taken; and
  - (4) Operations and maintenance cost.
- (c) Unscheduled outages. All unscheduled outages shall be reported to the DOE within thirty days of the completion of corrective action, and each unscheduled outage report shall describe:
  - (1) Project title;
  - (2) Location of project or projects;
  - (3) Unscheduled outage length;
  - (4) Reasons for unscheduled outage; and
  - (5) Corrective action taken.

(d) For good cause shown in a written request submitted by an agency, on or before sixty days prior to the due date of a report under this subsection, the DOE may allow reports to be submitted on a delayed or on an annual basis, as appropriate. The request shall be signed by a senior policy making official of the participating agency such as an Assistant Secretary or an Assistant Administrator.

(e) If the DOE has allowed the reporting of installation data by systems group under paragraph (a)(2) of this section, operational data required under this section may also be submitted by systems group.

#### § 436.93 Assessment requirements.

(a) Assessment by Participating Agencies:

- (1) Within three years of commencement of normal operation each agency participating in the FPUP shall provide to the DOE a Final Report on the installation and operation of each photovoltaic solar electric system. Copies of the Final Report shall be transmitted to the manufacturers and installers of the systems. This report shall be for a systems group where such group has been identified by the DOE. Each Final Report shall identify:

- (i) Project title;
  - (ii) Location of project or projects;
  - (iii) Design characteristics of the project or system group;
  - (iv) Manufacturers and installers of the project;
  - (v) Methods to achieve cost, reliability, and designed power production goals;
  - (vi) Data that were, or would have been, helpful to the participating agency in advance of system design and implementation;
  - (vii) Technical problems and failures;
  - (viii) Problems in system development and installation arising from technical, regulatory, and/or institutional interfaces; and
  - (ix) The extent to which the participating agency intends to rely in the future upon photovoltaic solar electric systems to supply its energy needs.
- (b) Assessment by the DOE:
- (1) The DOE shall assess in Annual Reports to the Congress, the performance and operation of the systems installed pursuant to the program. Each report shall be based on the monitoring and assessment data submitted by the participating agencies under the requirements of this subpart, as well as other information available. Each Annual Report will address issues relating to:
    - (i) Energy savings in current and future markets;
    - (ii) Carry-over to other applications categories and systems groups;
    - (iii) Potential for standardization of components;
    - (iv) Potential for modular use and installation of components;
    - (v) Optimal design approaches to achieve cost and performance goals;
    - (vi) Down time attributable to unscheduled outages;
    - (vii) Cost of repairing the unscheduled outages;
    - (viii) Suggested resolution of regulatory issues;
    - (ix) Life cycle cost data; and
    - (x) The need for the future research and development in the photovoltaics program.

#### § 436.94 Additional data options.

(a) The DOE will retain the option to select projects in which a participating agency will be required to:

- (1) Install instrumentation and provide other services required for the collection of instrumented performance data for a period not to exceed three years from date of photovoltaic solar energy system operation, and
- (2) Submit additional design disclosure, component, and facility energy load data, or such other data as

may be required to evaluate photovoltaic solar electric systems for a period not to exceed three years from the date of project operation.

(b) Participating agencies selected under paragraph (a) will be notified in writing by the DOE regarding their selection and of any specific instructions under that paragraph.

(c) For any project selected by the DOE under paragraph (a), the agency will be funded by the DOE to cover the costs of instrumentation and the related activities which are to be performed in accordance with the instructions provided by the DOE.

(d) The DOE may provide instrumentation, sensors, junction box, data recording system, installation and other related data gathering services by support contractors if necessary to:

(1) Minimize cost to the Government;

or

(2) Assure the acquisition of accurate and uniform information.

[FR Doc. 79-34442 Filed 11-6-79; 8:45 am]

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# Reader Aids

Federal Register

Vol. 44, No. 217

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

\*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

## REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

## Rules Going Into Effect Today

## HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

46996 8-9-79 / Public housing development; revision of requirements

## Next Week's Deadlines for Comments On Proposed Rules

## AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

57932 10-9-79 / Proclamation of national marketing quotas for flue-cured tobacco; comments by 11-15-79

58888 9-28-79 / 1980 peanut program acreage allotments and poundage quotas; comments by 11-15-79

Animal and Plant Health Inspection Service—

58918 10-12-79 / Importation of horses; comments period extended from 10-2-79 to 11-16-79 [Originally published at 44 FR 45631, Aug. 3, 1979]

Commodity Credit Corporation—

53525 9-14-79 / 1980 Crop Flaxseed Price Support; comments by 11-13-79

Food and Nutrition Service—

58915 10-12-79 / Food Stamp Program verification requirements; comments by 11-13-79

53487 9-14-79 / School Nutrition Programs; State Administrative Expense Funds; comments by 11-13-79

Food Safety and Quality Service—

53526 9-14-79 / Voluntary Meat and Poultry Plant Quality Control Systems; comments by 11-13-79

## ARTS AND HUMANITIES, NATIONAL FOUNDATION

56725 10-2-79 / National Endowment for the Arts; Nondiscrimination on the basis of age; comments by 11-15-79

## CIVIL AERONAUTICS BOARD

52847 9-11-79 / Carriers in U.S. Mainland—Alaska and intra-Alaska market fares; comments by 11-13-79

59242 10-15-79 / Criteria for Designating Eligible Points; comments by 11-14-79

49464 8-23-79 / Extension of credit by air carriers to political candidates; reply comments by 11-13-79

52850 9-11-79 / Free transportation of security guards, et al.; comments by 11-13-79

## COMMERCE DEPARTMENT

Maritime Administration—

58928 10-12-79 / Conservative dividend policy; amendment of standard for dividend declarations; comments period extended from 10-17-79 to 11-16-79 [Originally published 44 FR 54734, Sept. 21, 1979]

60129 10-18-79 / Closure of fishery conservation zone off Ocean City, Md. to surf clam fishing; comments by 11-15-79

59257 10-15-79 / Foreign Fishing Vessels; fee schedule for calendar year 1980; comments by 11-16-79

## CONSUMER PRODUCT SAFETY COMMISSION

59557 10-18-79 / Cellulose insulation; Proposed amendment to labeling requirement; comments by 11-15-79

## DEFENSE DEPARTMENT

Office of the Secretary—

58750 10-11-79 / Directive relating to nondiscrimination on basis of handicap in federally assisted programs; comments by 11-13-79

## ENERGY DEPARTMENT

Office of the Secretary—

52842 9-11-79 / Outer Continental Shelf oil and gas sequential bidding process; leasing; comments by 11-14-79

**ENVIRONMENTAL PROTECTION AGENCY**

- 56724 10-2-79 / Hazardous waste and hazardous waste management; availability of information; comments by 11-13-79
- 58759 10-11-79 / Issuance of delayed compliance order for New England Power Co.'s Brayton Point generating station; comments by 11-12-79
- 58921 10-12-79 / Kansas; approval and implementation of air quality plan; comments by 11-13-79
- 59564 10-16-79 / Maryland; proposed revision of implementation plan; comments by 11-15-79
- 58758 10-11-79 / Missouri State implementation plan; revision; comments by 11-13-79
- 46686 8-8-79 / Voluntary aftermarket part self-certification program; comments by 11-12-79

**FEDERAL COMMUNICATIONS COMMISSION**

- 48988 8-21-79 / Accounting for station connections, optional payment plan, revenues, and related capital costs, customer provider equipment and sale of terminal equipment; reply comments by 11-12-79
- 51257 8-31-79 / Allocating spectrum for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems for the provision of common carrier digital telecommunications services; comments by 11-14-79
- 61214 10-24-79 / Eliminating semi-annual reports and to provide for the submission of revised and corrected data in the annual reports overseas telecommunications traffic data; comments by 11-16-79
- 60112 10-18-79 / Establishment of 11-13-79 deadline for filing comments on UHF television reception improvement provisions; comments by 11-13-79 [originally published at 44 FR 45227, Aug. 1, 1979]
- 47359 8-13-79 / Financial reporting requirements for telephone companies; comments by 11-15-79
- 48997 8-21-79 / Proposing to add Florence, Ala., to the Huntsville-Decatur television market; reply comments by 11-14-79
- 53548 9-14-79 / Uniform system of accounts and financial reporting requirements for telephone companies; comments by 11-15-79

**FEDERAL ELECTION COMMISSION**

- 59162 10-12-79 / Funding of Federal candidate debates; comments by 11-13-79
- 53924 10-17-79 / Implementation of public access provision of Federal Election Campaign Act of 1971; comments by 11-16-79

**FEDERAL TRADE COMMISSION**

- 53088 9-12-79 / Penalties for violation of appliance labeling rules; comments by 11-13-79

**GENERAL SERVICES ADMINISTRATION**

- 59529 10-16-79 / Ordering items from GSA supply sources; Temporary regulation; comments by 11-15-79
- 59247 10-15-79 / Transportation and Traffic Management; comments by 11-14-79

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT****Food and Drug Administration—**

- 47713 8-14-79 / Protection of human subjects; informed consent; comments by 11-12-79
- 47699 8-14-79 / Protection of human subjects; standards for Institutional Review Boards for clinical investigations; comments by 11-12-79
- Office of the Secretary—
- 47688 8-14-79 / Protection of human research subjects; basic policy; comments by 11-12-79

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT****Office of Assistant Secretary for Housing—Federal Housing Commissioner—**

- 62200 10-29-79 / Housing assistance payments; existing housing (Section 8); mobil home spaces; fair market rents; comments by 11-13-79
- 62752 10-31-79 / Schedule A—Fair market rents for new construction and substantial rehabilitation, all market areas, Section 8 projects; comments by 11-15-79

**INTERIOR DEPARTMENT****Fish and Wildlife Service—**

- 53422 9-13-79 / Plymouth red-bellied turtle, reproposal of critical habitat; comments by 11-16-79
- 54011 9-17-79 / Review of status of Hawaiian tree snail; comments by 11-16-79

**Indian Affairs Bureau—**

- 59559 10-16-79 / Business practices on the Navajo, Hopi, and Zuni Reservations; comments by 11-15-79

**Land Management Bureau—**

- 56051 9-28-79 / Availability of the Draft Environmental Impact Statement Crossman Peak Radar Proposal; comments by 11-13-79

**LABOR DEPARTMENT****Occupational Safety and Health Administration—**

- 59560 10-16-79 / Reporting of fatality or multiple hospitalization accidents; comments by 11-15-79

**REGULATORY COUNCIL**

- 60039 10-17-79 / Regulation of chemical carcinogens; policy and request for public comment; comments by 11-15-79

**SECURITIES AND EXCHANGE COMMISSION**

- 54258 9-18-79 / Exemption of limiting offers and sales by corporate issuers; comments by 11-16-79

**SMALL BUSINESS ADMINISTRATION**

- 53087 9-12-79 / Minority Small Business and Capital Ownership Development Program; clarification of regulation; comments by 11-13-79
- 58745 10-11-79 / Pollution control; miscellaneous amendments; comments by 11-12-79

**TRANSPORTATION DEPARTMENT****Coast Guard—**

- 54499 9-20-79 / Unregulated hazardous working conditions on the outer continental shelf; comments by 11-16-79

**Federal Highway Administration—**

- 59438 10-15-79 / Environmental Impact and Related Procedures; comments by 11-14-79

**National Highway Traffic Safety Administration—**

- 55610 9-27-79 / Motor vehicle safety standards; glazing materials; comments by 11-13-79

**TREASURY DEPARTMENT****Customs Service—**

- 53759 9-17-79 / Review of duty-free treatment of watches and watch movements; comments by 11-16-79

**Internal Revenue Service—**

- 53539 9-14-79 / Tax treatment of certain deferred compensatory payments; comments by 11-13-79

**WAGE AND PRICE STABILITY COUNCIL**

- 60676 10-19-79 / Data requests; interim regulations; comments by 11-12-79
- 59166 10-12-79 / Rules on confidentiality, access to records and council factfinding; comments by 11-12-79

**Next Week's Meetings:****AGRICULTURE DEPARTMENT****Forest Service—**

- 57954 10-9-79 / Pacific Crest National Scenic Trail Advisory Council, South Lake Tahoe, Calif. (open), 11-15 through 11-17-79



- 59921 10-17-79 / Routt National Forest Grazing Advisory Board, Steamboat Springs, Colorado (open), 11-15-79
- AIR QUALITY, NATIONAL COMMISSION**
- 60448 10-19-79 / Meeting, Washington, D.C., 11-13-79
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 60830 10-22-79 / Museum Advisory Panel, Washington, D.C. (closed), 11-13-79
- 62086 10-29-79 / National Council on the Humanities Advisory Committee, Washington, D.C. (partially open), 11-14 to 11-16-79
- CIVIL RIGHTS COMMISSION**
- 60347 10-19-79 / Connecticut Advisory Committee, Hartford, Conn. (open), 11-15-79
- 60348 10-19-79 / Missouri Advisory Committee, Hayti, Mo. (open), 11-16-79
- 62552 10-31-79 / Oregon Advisory Committee, Pendleton, Ore. (open), 11-16-79
- 60348 10-19-79 / West Virginia Advisory Committee, Charlestown, W. Va. (open), 11-15-79
- COMMERCE DEPARTMENT**
- Industry and Trade Administration—
- 61406 10-25-79 / Foreign Availability Subcommittees of the Computer Systems, Technical Advisory Committee and Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially open), 11-13-79
- 61405 10-25-79 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 11-14-79
- 61407 10-25-79 / Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 11-13-79
- National Oceanic and Atmospheric Administration—
- 58939 10-12-79 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 11-16-79
- 58939 10-12-79 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 11-14-79
- 61407 10-25-79 / New England Fishery Management Council, Peabody, Mass. (open), 11-14-79
- 60351 10-19-79 / New England Fishery Management Council's Scientific and Statistical Committee, Boston, Mass. (open), 11-13-79
- 62322 10-30-79 / Sea Grant Review Panel, Athens, Ga. (partially open), 11-13 and 11-14-79
- Office of the Secretary—
- 61625 10-26-79 / Commerce Technical Advisory Board, Washington, D.C. (open), 11-15 and 11-16-79
- DEFENSE DEPARTMENT**
- Air Force Department—
- 54084 9-18-79 / Scientific Advisory Board, Washington, D.C. (closed), 11-12 and 11-13-79
- Navy Department—
- 61242 10-24-79 / Navy Resale Service and Support Activity Advisory Committee, New York, N.Y. (closed), 11-12-79
- Office of the Secretary—
- 60367 10-19-79 / Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 11-15-79
- 60367 10-19-79 / Defense Science Board Task Force on Cruise Missiles, Arlington, Va. (closed), 11-13 and 11-14-79

- ENERGY DEPARTMENT**
- 61987 10-29-79 / Electric field effects from overhead transmission lines, resource applications/electric energy systems sponsored contractors review, Washington, D.C., 11-14 and 11-15-79
- ENERGY DEPARTMENT**
- Energy Research Office—
- 61628 10-26-79 / High Energy Physics Advisory Panel, Subpanel on Accelerator Research and Development, Batavia, Ill. (open), 11-16 and 11-17-79
- Federal Energy Regulatory Commission—
- 61174 10-24-79 / Natural Gas Policy Act; Regulations implementing the incremental pricing provisions, Chicago, Ill., 11-15-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 59645 10-16-79 / Interagency Toxic Substances Data Committee, Washington, D.C. (open), 11-13-79
- 61455 10-25-79 / Review of preliminary draft criteria for particulate matters and sulfur oxides, Research Triangle Park, N.C. (open), 11-15-79
- 60157 10-18-79 / Science Advisory Board Environmental Measurements Committee, Research Triangle Park, N.C. (open), 11-13 and 11-15-79
- 61455 10-25-79 / Subcommittee on Energy-Related Health Effects Research of the Science Advisory Board, Washington, D.C. (open), 11-13 and 11-14-79
- FEDERAL COMMUNICATIONS COMMISSION**
- 62339 10-30-79 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 11-13 and 11-14-79
- GENERAL SERVICES ADMINISTRATION**
- 62369 10-30-79 / Regional Public Advisory Panel on Architectural and Engineering Services, Auburn, Wash. (open), 11-16-79
- 61258 10-24-79 / Regional Public Advisory Panel on Architectural and Engineering Services, Denver, Colo. (open), 11-14-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 59962 10-17-79 / Cognition, Emotion, and Personality Research Review Committee, Washington, D.C. (partially open), 11-16 and 11-17-79
- 59961 10-17-79 / Mental Health Research Education Review Committee, Silver Spring, Md. (partially open), 11-15 and 11-17-79
- Education Office—
- 61258 10-24-79 / National Diffusion network program; Application preparation workshop, Detroit, Mich., 11-13 and 11-14-79
- 61258 10-24-79 / National diffusion network program; Application preparation workshop, Oklahoma City, Okla., 11-15 and 11-16-79
- 61108 10-23-79 / Women's Educational Programs National Advisory Council, 11-13 through 11-16-79 (open)
- Food and Drug Administration—
- 60408 10-19-79 / Antimicrobial Panel, Bethesda, Md. (open), 11-16 and 11-17-79
- 60408 10-19-79 / Blood and Blood Derivatives Panel, Bethesda, Md. (open), 11-15 and 11-16-79
- 52950 9-11-79 / Medical devices; classification of hematology and pathology devices; comments by 11-13-79 (109 documents)
- Health Services Administration—
- 59652 10-16-79 / Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open), 11-14 and 11-15-79
- Office of Assistant Secretary for Health—
- 62084 10-29-79 / Select Panel for Promotion of Child Health, Washington, D.C. (open), 11-15 and 11-16-79

- Office of the Secretary—
- 55119 9-24-79 / Consideration of age discrimination provisions, Washington, D.C. (open), 11-14-79
- 60170 10-18-79 / Ethics Advisory Board, Washington, D.C. (open), 11-15 and 11-16-79
- National Institutes of Health—
- 55420 9-26-79 / Biomedical Library Review Committee, Bethesda, Md. (partially open), 11-13 and 11-14-79
- 61459 10-25-79 / Board of Scientific Counselors, Division of Cancer Cause and Prevention, Bethesda, Md. (partially open), 11-15 and 11-16-79
- 61460 10-25-79 / Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open), 11-12-79
- 59652 10-16-79 / Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), Bethesda, Md. (partially open), 11-15 and 11-16-79
- 61460 10-25-79 / Clinical Trials Review Committee of the National Heart, Lung, and Blood Institute, Anaheim, Calif. (partially open), 11-16-79
- 57502 10-5-79 / General Research Support Review Committee, Bethesda, Md. (partially open), 11-15 through 11-17-79
- 55421 9-26-79 / Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 11-15-79
- 57502 10-5-79 / National Advisory Dental Research Council, Bethesda, Md. (open) 11-15 and 11-16-79
- 57503 10-5-79 / Pharmacology-Toxicology Review Committee, Bethesda, Md. (partially open), 11-15 and 11-16-79
- 49310 8-22-79 / Population Research Committee, Bethesda, Md. (open), 11-14-79
- 53800 9-17-79 / Two research grant study sections, Bethesda and Silver Spring, Md. (partially open), 11-13 through 11-16 inclusive
- 57504 10-5-79 / Vision Research Program Committee, Bethesda, Md. (partially open), 11-15-79
- Social Security Administration—
- 54128 9-18-79 / Social Security For Your Future, Boston, Mass., 11-16-79
- Social Security Administration—
- 54128 9-18-79 / Social Security For Your Future, Philadelphia, Pa., 11-15-79
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT
- Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—
- 60170 10-18-79 / National Mobile Home Advisory Council, Washington, D.C. (open) 11-14 through 11-16-79
- HISTORIC PRESERVATION, ADVISORY COUNCIL
- 62318 10-30-79 / Public information meeting, Alexandria, La. (open), 11-14-79
- INTERIOR DEPARTMENT
- Land Management Bureau—
- 57227 10-4-79 / Lewistown District Grazing Advisory Board, Lewistown, Mont. (open), 11-15 and 11-16-79
- 60417 10-19-79 / Oregon, South Coast—Curry Timber Management Plan; scoping meeting, Coos Bay, Oreg. (open), 11-13-79
- 60828 10-22-79 / Outer Continental Shelf Advisory Board, Mid-Atlantic Technical Working Group Committee, New York, N.Y. (open), 11-14-79
- National Park Service—
- 60419 10-19-79 / Golden Gate National Recreation Area Advisory Commission, San Francisco, Calif. (open), 11-15-79
- INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
- 60829 11-22-79 / Joint Research Committee of the Board for International Food and Agricultural Development, Washington, D.C. (open), 11-13 and 11-14-79
- 60829 10-22-79 / Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Washington, D.C., (open), 11-13 and 11-14-79
- JUSTICE DEPARTMENT
- Prisons Bureau—
- 62085 10-29-79 / Advisory Corrections Council, Williamsburg, Va., 11-11 and 11-13-79
- 61466 10-25-79 / National Institute of Corrections Advisory Board, Williamsburg, Va., 11-11-79
- LABOR DEPARTMENT
- Office of the Secretary—
- 62396 10-30-79 / Steel Tripartite Committee, Working Group on Modernization and Capital Formation, Washington, D.C. (open), 11-16-79
- 61118 10-23-79 / Steel Tripartite Committee's Working Group on Environmental Protection (open), 11-14-79
- MINIMUM WAGE STUDY COMMISSION
- 62085 10-29-79 / Meeting, Washington, D.C., 11-13-79
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
- 61472 10-25-79 / NAC Aeronautics Advisory Committee, Washington, D.C. (open), 11-15-79
- 61473 10-25-79 / NASA Advisory Council (NAC) Space Science Advisory Committee, Washington, D.C. (open), 11-13 and 11-14-79
- NUCLEAR REGULATORY COMMISSION
- 63173 11-2-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Floating Nuclear Plant, Los Angeles, Calif. (partially open), 11-17-79
- 62969 11-1-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Fluid, Dynamics, San Francisco, Calif. (partially open), 11-16-79
- 62628 10-31-79 / Advisory Committee on Reactor Safeguards, Extreme External Phenomena Subcommittee, Ingelwood, Calif. (partially open), 11-15 and 11-16-79
- 62384 10-30-79 / Advisory Committee on Reactor Safeguards, General Electric Test Reactor Subcommittee, San Francisco, Calif. (open), 11-14-79
- SMALL BUSINESS ADMINISTRATION
- 54574 9-29-79 / Region I Advisory Council (open), Augusta, Maine, 11-15-79
- 61126 10-23-79 / Region V Advisory Council, Detroit, Mich., (open) 11-15-79
- 61126 10-23-79 / Region VII Advisory Council, Kansas City, Mo., (open) 11-14-79
- 55262 9-25-79 / Region VII Advisory Council, Omaha, Nebr. (open) 11-15-79
- STATE DEPARTMENT
- Office of the Secretary—
- 54374 9-19-79 / Ocean Affairs Advisory Committee, Washington, D.C. (partially open), 11-16-79
- 60835 10-22-79 / Secretary of State's Advisory Committee on Private International Law, Washington, D.C. (open), 11-16-79
- 60835 10-22-79 / Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR), Washington, D.C. (open), 11-15-79
- 60836 10-22-79 / Study Group 2 of the U.S. Organization for the International Radio Consultative Committee, Washington, D.C. (open), 11-14-79

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration—**

- 60837 10-22-79 / Radio Technical Commission for Aeronautics Executive Committee, Arlington, Va. (open), 11-14-79
- 58767 10-11-79 / Consideration of establishment of polyethylene packaging standards, Washington, D.C. (open), 11-13-79

**VETERANS ADMINISTRATION**

- 53602 9-14-79 / Wage Committee, Washington, D.C. (closed), 11-15-79

**WAGE AND PRICE STABILITY COUNCIL**

- 61626 10-26-79 / Pay Advisory Committee, Washington, D.C. (open), 11-13-79

**Next Week's Public Hearings****COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration—**

- 61983 10-29-79 / Draft fishery management plan, hearing, Nome, Alaska, 11-12-79
- 61983 10-29-79 / Draft fishery management plan, hearing, Kotzebue, Alaska, 11-13-79
- 61983 10-29-79 / Draft fishery management plan, hearing, Unalakleet, Alaska, 11-13-79
- 61983 10-29-79 / Draft fishery management plan, hearing, Togiak, Alaska, 11-17-79
- 61983 10-29-79 / Draft fishery management plan, hearing, Dillingham, Alaska, 11-17-79
- 62547 10-31-79 / North-Pacific Fishery Management Council, Juneau, Alaska, 11-15-79
- 62547 10-31-79 / North-Pacific Fishery Management Council, Ketchikan, Alaska, 11-16-79

**DELAWARE RIVER BASIN COMMISSION**

- 60134 10-18-79 / Draft final report of Delaware River Basin Comprehensive (level B) study and its draft environmental impact statement, Monticello, N.Y. and East Stroudsburg, Pa., 11-14 and 11-15-79

**ENERGY DEPARTMENT****Office of the Secretary—**

- 55774 9-27-79 / Appropriate Technology Small Grants Program, Washington, D.C., 11-14-79

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT****Office of the Secretary—**

- 62955 11-1-79 / White House Conference on Families, Hartford, and Stamford, Conn., 11-16 and 11-17-79
- 56029 9-28-79 / White House Conference on Families, Hartford, Conn. (open), 11-16 and 11-17-79
- 60415 10-15-79 / White House Conference on Families, Hartford, Conn., 11-16 and 11-17-79

**INTERNATIONAL TRADE COMMISSION**

- 53112 9-12-79 / Importation of certain fish; injury to domestic industry, Seattle, Wash., 11-14-79

**INTERIOR DEPARTMENT****Surface Mining Office—**

- 61312 10-24-79 / Steep-slope mining; backfilling and grading to achieve approximate original contour, Washington, D.C., 11-16-79

**LABOR DEPARTMENT****Employment and Training Administration—**

- 59890 10-16-79 / Adverse effect wage rate methodology, Martinsburg, W. Va., 11-13 and 11-14-79
- 59890 10-16-79 / Adverse effect wage rate methodology, McAllen, Tex., 11-15 and 11-16-79

**TRANSPORTATION DEPARTMENT****Federal Railroad Administration—**

- 52104 9-6-79 / Track safety standards; miscellaneous proposed revisions, Washington, D.C., 11-14 and 11-15-79

**TREASURY DEPARTMENT****Internal Revenue Service—**

- 55019 9-24-79 / Advance payments of earned income credit by employers, Washington, D.C., 11-13-79
- 53539 9-14-79 / Tax treatment of certain deferred compensation payments, Washington, D.C., 11-13-79

**List of Public Laws****Last Listing November 6, 1979**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1905 / Pub. L. 96-101 "Milwaukee Railroad Restructuring Act". (Nov. 4, 1979; 93 Stat. 736) Price: \$1.00

S. 1030 / Pub. L. 96-102 "Emergency Energy Conservation Act of 1979". (Nov. 5, 1979; 93 Stat. 749) Price: \$1.25

**Documents Relating to Federal Grant Programs**

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

**RULES GOING INTO EFFECT**

- 62424 10-30-79 / HUD/CPD—Urban Development Action Grants; revised minimum standards for physical and economic distress for small cities; effective 10-30-79

**DEADLINES FOR COMMENTS ON PROPOSED RULES**

- 62298 10-30-79 / GSA—Nondiscrimination against handicapped persons in programs and activities receiving Federal financial assistance; comments by 12-31-79

**APPLICATIONS DEADLINES**

- 62375 10-30-79 / Labor/OSHA—Grants for training, education, and related assistance capabilities; application deadline extended to 12-3-79 [originally published at 44 FR 47176, 8-10-79]

**MEETINGS**

- 62322 10-30-79 / Commerce/NOAA—Sea Grant Review Panel, Athens, Ga. (partially open), 11-13 and 11-14-79

**OTHER ITEMS OF INTEREST**

- 62331 10-30-79 / EPA—Policies and procedures for implementing the Federal Grant Cooperative Agreement Act of 1977
- 62601 10-31-79 / HUD/FHC—Announcement of fund disbursement for the Congregate Housing Services program for the elderly and non-elderly handicapped; Fiscal Year 1979; awards to be announced 11-30-79
- 62491 10-31-79 / VA—Implementing legislation; Administration of Education loan program

